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COMMUNICATION FROM THE
CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 15, 2021.

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on April 15, 2021, at 11:28 a.m.:

That the Senate passed S. 400.

With best wishes, I am,

Sincerely,

CHERYL L. JOHNSON,
Clerk.

PAYCHECK FAIRNESS ACT

Mr. SCOTT of Virginia. Mr. Speaker, pursuant to House Resolution 303, I call up the bill (H.R. 7) to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 303, the amendment in the nature of a substitute recommended by the Committee on Education and Labor printed in the bill, modified by the amendment printed in part A of House Report 117-15, is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 7

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Paycheck Fairness Act".

SEC. 2. ENHANCED ENFORCEMENT OF EQUAL PAY REQUIREMENTS.

(a) DEFINITIONS.—Section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203) is amended by adding at the end the following:

"(z) 'Sex' includes—

"(1) pregnancy, childbirth, or a related medical condition;

"(2) sexual orientation or gender identity; and

"(3) sex characteristics, including intersex traits.

"(aa) 'Sexual orientation' includes homosexuality, heterosexuality, and bisexuality.

"(bb) 'Gender identity' means the gender-related identity, appearance, mannerisms, or other gender-related characteristics of an individual, regardless of the individual's designated sex at birth."

(b) BONA FIDE FACTOR DEFENSE AND MODIFICATION OF SAME ESTABLISHMENT REQUIREMENT.—Section 6(d)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)(1)) is amended—

(1) by striking "No employer having" and inserting "(A) No employer having";

(2) by striking "the opposite" and inserting "another";

(3) by striking "any other factor other than sex" and inserting "a bona fide factor other than sex, such as education, training, or experience"; and

(4) by inserting at the end the following:

"(B) The bona fide factor defense described in subparagraph (A)(iv) shall apply only if the employer demonstrates that such factor (i) is not based upon or derived from a sex-based differential in compensation; (ii) is job-related with respect to the position in question; (iii) is consistent with business necessity; and (iv) accounts for the entire differential in compensation at issue. Such defense shall not apply where the employee demonstrates that an alternative employment practice exists that would serve the same business purpose without producing such differential and that the employer has refused to adopt such alternative practice.

"(C) For purposes of subparagraph (A), employees shall be deemed to work in the same establishment if the employees work for the same employer at workplaces located in the same county or similar political subdivision of a State. The preceding sentence shall not be construed as limiting broader applications of the term 'establishment' consistent with rules prescribed or guidance issued by the Equal Employment Opportunity Commission."

(c) NONRETALIATION PROVISION.—Section 15 of the Fair Labor Standards Act of 1938 (29 U.S.C. 215) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by striking "employee has filed" and all that follows and inserting "employee—

"(A) has made a charge or filed any complaint or instituted or caused to be instituted any investigation, proceeding, hearing, or action under or related to this Act, including an investigation conducted by the employer, or has testified or is planning to testify or has assisted or participated in any manner in any such investigation, proceeding, hearing or action, or has served or is planning to serve on an industry committee;

"(B) has opposed any practice made unlawful by this Act; or

"(C) has inquired about, discussed, or disclosed the wages of the employee or another employee (such as by inquiring or discussing with the employer why the wages of the employee are set at a certain rate or salary);";

(B) in paragraph (5), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(6) to require an employee to sign a contract or waiver that would prohibit the employee from disclosing information about the employee's wages."; and

(2) by adding at the end the following:

"(c) Subsection (a)(3)(C) shall not apply to instances in which an employee who has access to the wage information of other employees as a part of such employee's essential job functions discloses the wages of such other employees to individuals who do not otherwise have access to such information, unless such disclosure is in response to a complaint or charge or in furtherance of an investigation, proceeding, hearing, or action under section 6(d), including an investigation conducted by the employer. Nothing in this subsection shall be construed to limit the rights of an employee provided under any other provision of law."

(d) ENHANCED PENALTIES.—Section 16(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(b)) is amended—

(1) by inserting after the first sentence the following: "Any employer who violates section 6(d), or who violates the provisions of section 15(a)(3) in relation to section 6(d), shall additionally be liable for such compensatory damages, or, where the employee demonstrates that the employer acted with malice or reckless indifference, punitive damages as may be appropriate, except that the United States shall not be liable for punitive damages.";

(2) in the sentence beginning "An action to", by striking "the preceding sentences" and inserting "any of the preceding sentences of this subsection";

(3) in the sentence beginning "No employees shall", by striking "No employees" and inserting "Except with respect to class actions brought to enforce section 6(d), no employee";

(4) by inserting after the sentence referred to in paragraph (3), the following: "Notwithstanding any other provision of Federal law, any action brought to enforce section 6(d) may be maintained as a class action as provided by the Federal Rules of Civil Procedure."; and

(5) in the sentence beginning "The court in"—

(A) by striking "in such action" and inserting "in any action brought to recover the liability prescribed in any of the preceding sentences of this subsection"; and

(B) by inserting before the period the following: "; including expert fees".

(e) ACTION BY THE SECRETARY.—Section 16(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(c)) is amended—

(1) in the first sentence—

(A) by inserting "or, in the case of a violation of section 6(d), additional compensatory or punitive damages, as described in subsection (b)," before "and the agreement"; and

(B) by inserting before the period the following: "; or such compensatory or punitive damages, as appropriate";

(2) in the second sentence, by inserting before the period the following: "and, in the case of a violation of section 6(d), additional compensatory or punitive damages, as described in subsection (b)"; and

(3) in the third sentence, by striking "the first sentence" and inserting "the first or second sentence".

(f) ENFORCEMENT AUTHORITY.—

(1) IN GENERAL.—The Equal Opportunity Employment Commission shall carry out the functions and authorities described in section 1 of Reorganization Plan No. 1 of 1978 (92 Stat. 3781; 5 U.S.C. App.) to enforce and administer the provisions of section 6(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)), except that the Secretary of Labor, through the Office of Federal Contract Compliance Programs, may also enforce this provision with respect to Federal contractors, Federal subcontractors, and federally-assisted construction contractors, within the jurisdiction of the Office of Federal Contract Compliance Programs under Executive Order 11246 (42 U.S.C. 2000e note; relating to equal employment opportunity) or a successor Executive Order.

(2) COORDINATION.—The Equal Opportunity Employment Commission shall issue such regulations as may be necessary to explain and implement the standards of such section 6(d). The Secretary of Labor may issue regulations to govern procedures for enforcement of section 6(d) by the Office of Federal Contract Compliance Programs. The Secretary of Labor and the Equal Employment Opportunity Commission shall establish other coordinating mechanisms as may be necessary.

SEC. 3. TRAINING.

The Equal Employment Opportunity Commission and the Secretary of Labor, acting through the Office of Federal Contract Compliance Programs, subject to the availability of funds appropriated under section 11, shall provide training to employees of the Commission and the Office of Federal Contract Compliance Programs and to affected individuals and entities on matters involving discrimination in the payment of wages.

SEC. 4. NEGOTIATION SKILLS TRAINING.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Labor, after consultation with the Secretary of Education, is authorized to establish and carry out a grant program.

(2) **GRANTS.**—In carrying out the program, the Secretary of Labor may make grants on a competitive basis to eligible entities to carry out negotiation skills training programs for the purposes of addressing pay disparities, including through outreach to women and girls.

(3) **ELIGIBLE ENTITIES.**—To be eligible to receive a grant under this subsection, an entity shall be a public agency, such as a State, a local government in a metropolitan statistical area (as defined by the Office of Management and Budget), a State educational agency, or a local educational agency, a private nonprofit organization, or a community-based organization.

(4) **APPLICATION.**—To be eligible to receive a grant under this subsection, an entity shall submit an application to the Secretary of Labor at such time, in such manner, and containing such information as the Secretary of Labor may require.

(5) **USE OF FUNDS.**—An entity that receives a grant under this subsection shall use the funds made available through the grant to carry out an effective negotiation skills training program for the purposes described in paragraph (2).

(b) **INCORPORATING TRAINING INTO EXISTING PROGRAMS.**—The Secretary of Labor and the Secretary of Education shall issue regulations or policy guidance that provides for integrating the negotiation skills training, to the extent practicable, into programs authorized under—

(1) in the case of the Secretary of Education, the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), and other programs carried out by the Department of Education that the Secretary of Education determines to be appropriate; and

(2) in the case of the Secretary of Labor, the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.), and other programs carried out by the Department of Labor that the Secretary of Labor determines to be appropriate.

(c) **REPORT.**—Not later than 18 months after the date of enactment of this Act, and annually thereafter, the Secretary of Labor, in consultation with the Secretary of Education, shall prepare and submit to Congress a report describing the activities conducted under this section and evaluating the effectiveness of such activities in achieving the purposes of this section.

SEC. 5. RESEARCH, EDUCATION, AND OUTREACH.

(a) **IN GENERAL.**—Not later than 18 months after the date of enactment of this Act, and periodically thereafter, the Secretary of Labor shall conduct studies and provide information to employers, labor organizations, and the general public concerning the means available to eliminate pay disparities between men and women (including women who are Asian American, Black or African-American, Hispanic American or Latino, Native American or Alaska Native, Native Hawaiian or Pacific Islander, and White American), including—

(1) conducting and promoting research to develop the means to correct expeditiously the conditions leading to the pay disparities, with specific attention paid to women and girls from historically underrepresented and minority groups;

(2) publishing and otherwise making available to employers, labor organizations, professional associations, educational institutions, the media, and the general public the findings resulting from studies and other materials, relating to eliminating the pay disparities;

(3) sponsoring and assisting State, local, and community informational and educational programs;

(4) providing information to employers, labor organizations, professional associations, and other interested persons on the means of eliminating the pay disparities; and

(5) recognizing and promoting the achievements of employers, labor organizations, and professional associations that have worked to eliminate the pay disparities.

(b) **REPORT ON GENDER PAY GAP IN TEENAGE LABOR FORCE.**—

(1) **REPORT REQUIRED.**—Not later than one year after the date of the enactment of this Act, the Secretary of Labor, acting through the Director of the Women's Bureau and in coordination with the Commissioner of Labor Statistics, shall—

(A) submit to Congress a report on the gender pay gap in the teenage labor force; and

(B) make the report available on a publicly accessible website of the Department of Labor.

(2) **ELEMENTS.**—The report under subsection (a) shall include the following:

(A) An examination of trends and potential solutions relating to the teenage gender pay gap.

(B) An examination of how the teenage gender pay gap potentially translates into greater wage gaps in the overall labor force.

(C) An examination of overall lifetime earnings and losses for informal and formal jobs for women, including women of color.

(D) An examination of the teenage gender pay gap, including a comparison of the average amount earned by males and females, respectively, in informal jobs, such as babysitting and other freelance jobs, as well as formal jobs, such as retail, restaurant, and customer service.

(E) A comparison of—

(i) the types of tasks typically performed by women from the teenage years through adulthood within certain informal jobs, such as babysitting and other freelance jobs, and formal jobs, such as retail, restaurant, and customer service; and

(ii) the types of tasks performed by younger males in such positions.

(F) Interviews and surveys with workers and employers relating to early gender-based pay discrepancies.

(G) Recommendations for—

(i) addressing pay inequality for women from the teenage years through adulthood, including such women of color;

(ii) addressing any disadvantages experienced by young women with respect to work experience and professional development;

(iii) the development of standards and best practices for workers and employees to ensure better pay for young women and the prevention of early inequalities in the workplace; and

(iv) expanding awareness for teenage girls on pay rates and employment rights in order to reduce greater inequalities in the overall labor force.

SEC. 6. ESTABLISHMENT OF THE NATIONAL AWARD FOR PAY EQUITY IN THE WORKPLACE.

(a) **IN GENERAL.**—There is established the National Award for Pay Equity in the Workplace, which shall be awarded by the Secretary of Labor in consultation with the Equal Employment Opportunity Commission, on an annual basis, to an employer to encourage proactive efforts to comply with section 6(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)), as amended by this Act.

(b) **CRITERIA FOR QUALIFICATION.**—The Secretary of Labor, in consultation with the Equal Employment Opportunity Commission, shall—

(1) set criteria for receipt of the award, including a requirement that an employer has made substantial effort to eliminate pay disparities between men and women and deserves special recognition as a consequence of such effort; and

(2) establish procedures for the application and presentation of the award.

(c) **BUSINESS.**—In this section, the term “employer” includes—

(1)(A) a corporation, including a nonprofit corporation;

(B) a partnership;

(C) a professional association;

(D) a labor organization; and

(E) a business entity similar to an entity described in any of subparagraphs (A) through (D);

(2) an entity carrying out an education referral program, a training program, such as an apprenticeship or management training program, or a similar program; and

(3) an entity carrying out a joint program, formed by a combination of any entities described in paragraph (1) or (2).

SEC. 7. COLLECTION OF PAY INFORMATION BY THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

Section 709 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-8) is amended by adding at the end the following:

“(f)(1) Not later than 18 months after the date of enactment of this subsection, the Commission shall provide for the collection from employers of compensation data and other employment-related data (including hiring, termination, and promotion data) disaggregated by the sex, race, and national origin of employees.

“(2) In carrying out paragraph (1), the Commission shall have as its primary consideration the most effective and efficient means for enhancing the enforcement of Federal laws prohibiting pay discrimination. For this purpose, the Commission shall consider factors including the imposition of burdens on employers, the frequency of required reports (including the size of employers required to prepare reports), appropriate protections for maintaining data confidentiality, and the most effective format to report such data.

“(3)(A) For each 12-month reporting period for an employer, the compensation data collected under paragraph (1) shall include, for each range of taxable compensation described in subparagraph (B), disaggregated by the categories described in subparagraph (E)—

“(i) the number of employees of the employer who earn taxable compensation in an amount that falls within such taxable compensation range; and

“(ii) the total number of hours worked by such employees.

“(B) Subject to adjustment under subparagraph (C), the taxable compensation ranges described in this subparagraph are as follows:

“(i) Not more than \$19,239.

“(ii) Not less than \$19,240 and not more than \$24,439.

“(iii) Not less than \$24,440 and not more than \$30,679.

“(iv) Not less than \$30,680 and not more than \$38,999.

“(v) Not less than \$39,000 and not more than \$49,919.

“(vi) Not less than \$49,920 and not more than \$62,919.

“(vii) Not less than \$62,920 and not more than \$80,079.

“(viii) Not less than \$80,080 and not more than \$101,919.

“(ix) Not less than \$101,920 and not more than \$128,959.

“(x) Not less than \$128,960 and not more than \$163,799.

“(xi) Not less than \$163,800 and not more than \$207,999.

“(xii) Not less than \$208,000.

“(C) The Commission may adjust the taxable compensation ranges under subparagraph (B)—

“(i) if the Commission determines that such adjustment is necessary to enhance enforcement of Federal laws prohibiting pay discrimination; or

“(ii) for inflation, in consultation with the Bureau of Labor Statistics.

“(D) In collecting data described in subparagraph (A)(ii), the Commission shall provide that, with respect to an employee who the employer is not required to compensate for overtime employment under section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207), an employer may report—

“(i) in the case of a full-time employee, that such employee works 40 hours per week, and in the case of a part-time employee, that such employee works 20 hours per week; or

“(ii) the actual number of hours worked by such employee.

“(E) The categories described in this subparagraph shall be determined by the Commission and shall include—

“(i) race;

“(ii) national origin;

“(iii) sex; and

“(iv) job categories, including the job categories described in the instructions for the Equal Employment Opportunity Employer Information Report EEO-1, as in effect on the date of the enactment of this subsection.

“(F) The Commission shall use the compensation data collected under paragraph (I)—

“(i) to enhance—

“(I) the investigation of charges filed under section 706 or section 6(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)); and

“(II) the allocation of resources to investigate such charges; and

“(ii) for any other purpose that the Commission determines appropriate.

“(G) The Commission shall annually make publicly available aggregate compensation data collected under paragraph (I) for the categories described in subparagraph (E), disaggregated by industry, occupation, and core based statistical area (as defined by the Office of Management and Budget).

“(4) The compensation data under paragraph (I) shall be collected from each employer that—

“(A) is a private employer that has 100 or more employees, including such an employer that is a contractor with the Federal Government, or a subcontractor at any tier thereof; or

“(B) the Commission determines appropriate.”.

SEC. 8. REINSTATEMENT OF PAY EQUITY PROGRAMS AND PAY EQUITY DATA COLLECTION.

(a) **BUREAU OF LABOR STATISTICS DATA COLLECTION.**—The Commissioner of Labor Statistics shall continue to collect data on women workers in the Current Employment Statistics survey.

(b) **OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS INITIATIVES.**—The Director of the Office of Federal Contract Compliance Programs shall collect compensation data and other employment-related data (including, hiring, termination, and promotion data) by demographics and designate not less than half of all non-construction contractors each year to prepare and file such data, and shall review and utilize the responses to such data to identify contractors for further evaluation and for other enforcement purposes as appropriate.

(c) **DEPARTMENT OF LABOR DISTRIBUTION OF WAGE DISCRIMINATION INFORMATION.**—The Secretary of Labor shall make readily available (in print, on the Department of Labor website, and through any other forum that the Department may use to distribute compensation discrimination information), accurate information on compensation discrimination, including statistics, explanations of employee rights, historical analyses of such discrimination, instructions for employers on compliance, and any other information that will assist the public in understanding and addressing such discrimination.

SEC. 9. PROHIBITIONS RELATING TO PROSPECTIVE EMPLOYEES' SALARY AND BENEFIT HISTORY.

(a) **IN GENERAL.**—The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) is amended by inserting after section 7 the following new section:

“SEC. 8. REQUIREMENTS AND PROHIBITIONS RELATING TO WAGE, SALARY, AND BENEFIT HISTORY.

“(a) **IN GENERAL.**—It shall be an unlawful practice for an employer to—

“(1) rely on the wage history of a prospective employee in considering the prospective employee for employment, including requiring that a prospective employee's prior wages satisfy minimum or maximum criteria as a condition of being considered for employment;

“(2) rely on the wage history of a prospective employee in determining the wages for such prospective employee, except that an employer may rely on wage history if it is voluntarily provided by a prospective employee, after the employer makes an offer of employment with an offer of compensation to the prospective employee, to support a wage higher than the wage offered by the employer;

“(3) seek from a prospective employee or any current or former employer the wage history of the prospective employee, except that an employer may seek to confirm prior wage information only after an offer of employment with compensation has been made to the prospective employee and the prospective employee responds to the offer by providing prior wage information to support a wage higher than that offered by the employer; or

“(4) discharge or in any other manner retaliate against any employee or prospective employee because the employee or prospective employee—

“(A) opposed any act or practice made unlawful by this section; or

“(B) took an action for which discrimination is forbidden under section 15(a)(3).

“(b) **DEFINITION.**—In this section, the term ‘wage history’ means the wages paid to the prospective employee by the prospective employee's current employer or previous employer.”.

(b) **PENALTIES.**—Section 16 of such Act (29 U.S.C. 216) is amended by adding at the end the following new subsection:

“(f)(1) Any person who violates the provisions of section 8 shall—

“(A) be subject to a civil penalty of \$5,000 for a first offense, increased by an additional \$1,000 for each subsequent offense, not to exceed \$10,000; and

“(B) be liable to each employee or prospective employee who was the subject of the violation for special damages not to exceed \$10,000 plus attorneys' fees, and shall be subject to such injunctive relief as may be appropriate.

“(2) An action to recover the liability described in paragraph (1)(B) may be maintained against any employer (including a public agency) in any Federal or State court of competent jurisdiction by any one or more employees or prospective employees for and on behalf of—

“(A) the employees or prospective employees; and

“(B) other employees or prospective employees similarly situated.”.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this Act.

(b) **PROHIBITION ON EARMARKS.**—None of the funds appropriated pursuant to subsection (a) for purposes of the grant program in section 5 of this Act may be used for a congressional earmark as defined in clause 9(e) of rule XXI of the Rules of the House of Representatives.

SEC. 11. SMALL BUSINESS ASSISTANCE.

(a) **EFFECTIVE DATE.**—This Act and the amendments made by this Act shall take effect on the date that is 6 months after the date of enactment of this Act.

(b) **TECHNICAL ASSISTANCE MATERIALS.**—The Secretary of Labor and the Commissioner of the Equal Employment Opportunity Commission shall jointly develop technical assistance material to assist small enterprises in complying with the requirements of this Act and the amendments made by this Act.

(c) **SMALL BUSINESSES.**—A small enterprise shall be exempt from the provisions of this Act, and the amendments made by this Act, to the same extent that such enterprise is exempt from the requirements of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) pursuant to clauses (i) and (ii) of section 3(s)(1)(A) of such Act (29 U.S.C. 203(s)(1)(A)).

SEC. 12. RULE OF CONSTRUCTION.

Nothing in this Act, or in any amendments made by this Act, shall affect the obligation of

employers and employees to fully comply with all applicable immigration laws, including being subject to any penalties, fines, or other sanctions.

SEC. 13. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of that provision or amendment to particular persons or circumstances is held invalid or found to be unconstitutional, the remainder of this Act, the amendments made by this Act, or the application of that provision to other persons or circumstances shall not be affected.

The SPEAKER pro tempore. The bill, as amended, shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Education and Labor.

The gentleman from Virginia (Mr. SCOTT) and the gentlewoman from North Carolina (Ms. FOXX) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia (Mr. SCOTT).

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and insert extraneous materials on H.R. 7, the Paycheck Fairness Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 7, the Paycheck Fairness Act.

When President Kennedy signed the Equal Pay Act in 1963, our country codified the basic idea that all workers should earn equal pay for equal work, regardless of sex. Regrettably, more than five decades later and after the passage of the Lilly Ledbetter Fair Pay Act, that promise remains unfulfilled.

Today, women continue to be paid, on average, 82 cents on the dollar compared to men. This wage disparity is far worse for women of color, who make less than White men and White women. It exists across every sector, regardless of education, experience, occupation, industry or job title. A recent Census Bureau study found that 38 to 70 percent of the gender wage gap is unexplained and likely due to discrimination.

Drawn out over a lifetime, the persistent wage gap could cost a woman anywhere from \$400,000 to \$2 million. This impacts both workers and their families, often meaning the difference between financial stability and perpetual hardship.

The Paycheck Fairness Act offers an opportunity to finally secure equal pay for equal work. The bill strengthens the Equal Pay Act by bolstering workers' rights to discuss their wages with coworkers and making it easier for workers to join class action lawsuits; enhancing the enforcement tools available to the Equal Employment Opportunity Commission and the Labor Department; and, more importantly, by

closing loopholes for employer defenses and requiring employers to prove pay disparities exist for legitimate, job-related reasons.

The Biden administration has issued a Statement of Administration Policy in support of this bill. It states: “Ensuring equal pay is essential to advancing American values of fairness and equity.”

Then it adds: “The Paycheck Fairness Act is commonsense legislation that would strengthen the Equal Pay Act and give workers more tools to fight sex-based pay discrimination.”

Mr. Speaker, I include in the RECORD the Statement of Administration Policy of H.R. 7.

STATEMENT OF ADMINISTRATION POLICY

H.R. 7—PAYCHECK FAIRNESS ACT—REP.

DELAURO, D-CT, AND 225 COSPONSORS

The Administration strongly supports House passage of H.R. 7, the Paycheck Fairness Act. Ensuring equal pay is essential to advancing American values of fairness and equity. Women lose thousands of dollars each year, and hundreds of thousands over a lifetime, because of the gender and racial wage gap. Women working full-time, year-round in 2019 earned 82 cents for every dollar earned by men working full-time; year-round, and these disparities are greater for women of color. Pay inequity also impacts individuals who face intersecting forms of discrimination based on sexual orientation and gender identity, including LGBTQ+ individuals.

Due to the COVID-19 pandemic, millions of women have dropped out of the labor force, partly reflecting the increased domestic labor demands on women. Caregiving demands often fall disproportionately on women, which leads to many women having to reduce their hours, resulting in lower earnings. As more and more American families rely on women's income, the pay gap hurts not only women, but also the families who depend on them. The cumulative impact of wage gaps adds up to financial insecurity over the course of a career for women and their families and for generations who follow.

The Paycheck Fairness Act is commonsense legislation that would strengthen the Equal Pay Act and give workers more tools to fight sex-based pay discrimination. It would also take major steps toward increasing pay transparency, an essential provision to advance equality in the workplace, by explicitly protecting workers from retaliation for simply discussing their compensation with their colleagues. The bill would also expand opportunities for workers to receive training on effective negotiation skills. The bill would also limit an employer's ability to rely on salary history during the hiring process to set pay, or when determining wages for a promotion. H.R. 7 would hold employers accountable by closing judicially created loopholes for employer defenses and by adding a class action option under the Federal Rules of Civil Procedure. The bill would require the collection of pay data to enable better enforcement of laws prohibiting pay discrimination.

The Administration looks forward to continuing to work with the Congress to address pay equity and urges quick action on this landmark bill.

Mr. SCOTT of Virginia. Mr. Speaker, I urge my colleagues to join me in voting for this legislation, and I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in opposition to H.R. 7, the Democrats' conveniently titled, but painfully misguided, Paycheck Fairness Act, which should be called the paychecks for trial lawyers act.

We all agree on the fundamental principle of this bill: women should not be paid less than men for the same work.

That is not up for debate; and, for me, it has never been up for debate; and, for our country, it hasn't been since 1963, when the Equal Pay Act amended the Fair Labor Standards Act, making equal pay the law of the land.

Moreover, in 1964, title VII of the Civil Rights Act codified non-discrimination rules for employment, making it illegal to discriminate on the basis of race, color, national origin, religion, and sex.

The question before us today is whether the Democrats' Paycheck Fairness Act provides any additional protections to women in the workplace. The answer is a resounding no.

The United States has some of the most varied and complex workplaces in the world. Before the onslaught of COVID-19, women were earning merited paychecks in record numbers. According to a Harvard University analysis and numerous other studies, the difference in earning between men and women comes down to choices made regarding careers and parenting. Many working women take advantage of flexible work schedules to meet their diverse needs. A survey by Pew found 70 percent of working mothers say that a flexible schedule is extremely important.

Democrats aren't giving the full story when they talk about pay differences. Women are making career choices that are best for themselves and their families. Limiting their freedom to do so is wrong. Congress has no place in telling women their career choices are wrong, yet Democrats are hellbent on telling all Americans how to live their lives, how to spend their money, and now how to make career decisions.

The Paycheck Fairness Act is not a win for women in the slightest. It is a false promise that creates opportunities and advantages only for trial lawyers looking for easy payouts while causing irreparable harm to employers. By making it much easier to bring lawsuits of questionable validity against employers, trial lawyers will be able to force employers into settlements or try for unlimited paydays from jury awards, lining their own pockets and dragging women through tedious, never-ending legal proceedings.

In the United States, we believe in innocence until proven guilty, but this bill assumes otherwise. Under current law, business owners can defend themselves from a claim of pay discrimination by proving that a pay differential is based on legitimate, business-related factors other than sex.

H.R. 7 would radically alter this law, requiring a business owner to convince a judge or jury that the pay differential was required by “business necessity.” This is a nearly impossible burden of proof to meet that will lead to unfair judgments against business owners because the plain meaning of the term “business necessity” is that the pay differential must be absolutely essential to the business.

H.R. 7 would also result in a flood of litigation in front of judges and juries, who will delve into employer compensation decisions even when the employer can demonstrate that those decisions are based on legitimate, business-related reasons having nothing to do with the sex of the employee.

Fearing Big Government and liability risks that could leave them bankrupt, many business owners will likely implement rigid pay bands—a model used by government and unionized businesses. This means workers will not be compensated on the basis of merit.

This is the opposite of the American Dream. As one columnist wrote: “equality of opportunity—not outcomes—is the American ideal.”

On top of the legal jeopardy this bill creates for employers, H.R. 7 also mandates that business owners submit mountains of worker pay data to the Federal Government. This will pose significant threats to the confidentiality and privacy of workers' pay data, create a data stash that would be impossible to protect or interpret, and cost business owners more than \$600 million annually.

This bill purports to champion equality for women, yet it disregards the 40 percent of small businesses owned by women that will be forced to implement pay policies found in government-run workplaces and be stuck paying through the nose in compliance costs if this bill passes.

Even worse, H.R. 7 will severely limit workplace flexibility for women. Many working women take advantage of flexible work schedules to meet their diverse needs, yet this harmful legislation completely ignores this reality and threatens to take away the choices and freedom necessary for them to retain employment.

We know employees prefer workable and flexible schedules, and now is not the time to limit these options for women who have been hit particularly hard by the COVID-19 pandemic.

Should my Democrat colleagues wish to discuss additional policies which will foster the advancement of women in the workplace, we can consider legislation that safely reopens our schools and businesses, provides the flexibility and support to expand work-based learning programs and create viable pathways that enable more individuals to reskill and build fulfilling careers on their own terms, and promotes career and technical education, to name a few.

Unfortunately, my Democrat colleagues would rather impose radical

and unworkable policy under the guise of progress than find bipartisan solutions which foster environments where individuals are empowered to succeed and make the decisions that are best for them.

Mr. Speaker, I urge a “no” vote on H.R. 7, and I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the gentlewoman from Massachusetts (Ms. CLARK), who is the Assistant Speaker of the House.

Ms. CLARK of Massachusetts. Mr. Speaker, in December, American women lost 156,000 jobs, accounting for 100 percent of jobs lost; and since the start of this pandemic, nearly 3 million women have been pushed out of the workforce.

Women have borne the brunt of the economic crisis brought on by this pandemic, and gender pay inequality is at the root of the problem. More than five decades after the passage of the Equal Pay Act, women still only make 82 cents for every dollar earned by men, and that gap is even wider for women of color.

By passing the Paycheck Fairness Act today, we are correcting this injustice and ensuring that all people receive equal pay for equal work.

Let's be clear: this isn't a women's issue. Pay inequity hurts children, families, and our entire economy. It is fundamental to our recovery and our ability to not just rebuild to status quo, but to rebuild a just and inclusive America for all.

Ms. FOXX. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. GOOD).

Mr. GOOD of Virginia. Mr. Speaker, I thank Ranking Member FOXX for yielding.

Mr. Speaker, everyone supports equal pay for equal performance, and everyone is against gender-based wage discrimination. This has been the law for nearly 60 years.

When I entered the workforce 30 years ago after college, wage discrimination was basically nonexistent, thanks to the law and a simple recognition of the value of a diverse workforce. Companies then, as now, simply assigned a starting salary based upon the position, and paid that wage to everyone they hired; thereafter providing merit increases based upon performance, unlike what happens in union shops and with government positions.

But do my Democrat friends across the aisle base their staff salaries on gender? Or do they pay women less than men? Or do they set salaries based on market conditions, qualifications, and experience?

□ 1245

Why do they assume less of private employers?

We already have laws and protections that ensure fair pay, and companies must maintain documentation demonstrating nondiscrimination in wages, performance evaluations, and merit increases.

In fact, we are in a much stronger position today than we were 30, let alone 60 years ago.

This legislation from the Democrat Party is just another attempt to insert themselves further into the workplace with a purported cure for a disease that doesn't exist. Democrats are dependent upon the perception of discrimination and victimhood to expand their base of power as they continue to divide us as a Nation.

Democrats also view employers, businesses, and job creators with disdain, believing that, left to their own devices, they would seek to harm and exploit their employees. Not to worry, Big Government to the rescue; or, more accurately, big Democrat government laying on more control, more regulations, more mandates, all designed to enrich their trial lawyer friends and increase liability for employers.

The Democrats will disingenuously cite statistics that indicate that there are discrepancies in income based on gender, but they won't specify discrepancies in pay for the same positions in the same industries because they don't exist.

This bill adds more layers of burdensome and costly reporting requirements for businesses, estimated to cost about \$600 million a year, costs which will be passed on to consumers in higher prices with no real benefit.

The bill doesn't do anything to help women in the workplace, but it hurts employers, exposing them to greater liability, and enriches the trial lawyer donors to the Democrat Party. It allows the lawyers to litigate every decision an employer makes, and to bankrupt small businesses by seeking unlimited monetary damages.

It makes it impossible for employers to defend charges of gender-based discrimination when experience, qualifications, or performance warrants higher pay. They would now need to prove that the determination is a business necessity.

Leave it to politicians in Washington to think that they have the right to determine for employers what is a business necessity.

Left to themselves, businesses and employers tend to get it right. But Big Government almost never gets it right, and this bill is no exception. I urge a “no” vote.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 5 minutes to the gentlewoman from Connecticut (Ms. DELAURO), the sponsor of the bill, a champion for equal pay, and the chair of the House Appropriations Committee.

Ms. DELAURO. Mr. Speaker, I rise in strong support of the Paycheck Fairness Act, legislation that I have introduced in every Congress since 1997.

Since then, we have pushed and battled to strengthen the Equal Pay Act of 1963. We launched, side by side, into the fray to elevate pay discrimination, to emphasize how central its impact is to working families.

I cannot tell you how difficult it has been to break through on something so

simple; so simple. Men and women in the same job deserve the same pay. It is a principle that we adhere to in this Congress, and I don't believe anyone would challenge it. The same is true of the U.S. military.

Last month, we recognized Equal Pay Day on March 24, which is the day into the current year that women must work to meet the wages earned by men in the previous year.

The National Committee on Pay Equity tells us, at its lowest point in 1973, full-time, working women earned a median of 56.6 cents to every dollar that full-time working men earned. Today, women who work full-time, year-round are paid, on average, only 82 cents for every dollar paid to men.

The gap exists in every State, regardless of geography, occupation, education, or work patterns. And it is worse for women of color. Latinas are typically paid 55 cents; Native American women 60 cents; Black women 63 cents; Asian American and Pacific Islander women are paid as little as 52 cents.

This wage disparity costs the average American woman and her family an estimated \$400,000 to \$2 million, impacting Social Security benefits and pensions.

Today, the issue and the environment have collided. This pandemic has brought out the depth of our problem, exposed existing inequalities, and threatened women's economic security at a disproportionate rate. Women have lost more than five million jobs; and as we seek to rebuild our economy, let us remember that the pay gap hurts not only women, but also the families who depend on them.

The Paycheck Fairness Act is a bipartisan piece of legislation, which has the support of every member of the Democratic Caucus, as well as three Republicans. It would toughen the remedies in the Equal Pay Act of 1963 to give America's working women the opportunity to fight wage discrimination and receive the paycheck they have rightfully earned.

It would require employers to prove that pay disparities exist for legitimate, job-related reasons; ban retaliation against workers who discuss their wages; it facilitates a wronged worker's participation in a class action suit; and it prohibits employers from seeking the salary history of prospective employees.

And by now, we are all familiar with the case of Lilly Ledbetter. Her bosses said: “Their plant did not need women; that women did not help, and, in fact, they caused problems.”

Well, a jury found that, yes, Lilly Ledbetter had been discriminated against, and awarded her \$3.8 million in back pay and damages, which the Supreme Court eliminated. She received nothing, as it closed the courtroom door to all women.

We, the Congress, reopened that door with the Lilly Ledbetter Fair Pay Act. It reversed the Supreme Court's decision. It was a court access case, but it

did not address the underlying issue of pay discrimination.

President Dwight D. Eisenhower in 1956, in his State of the Union address, said: "Legislation to apply the principle of equal pay for equal work without discrimination because of sex is a matter of simple justice. I earnestly urge the Congress to move swiftly to implement these needed labor measures."

When President Kennedy signed the Equal Pay Act into law nearly 58 years ago, he said: "It is a first step. It affirms our determination that when women enter the labor force, they will find equality in their pay envelopes."

The Paycheck Fairness Act is the next step. It simply brings the Equal Pay Act into line with the remedies already available for those who are subject to other forms of employment discrimination. That is it, pure and simple.

We have passed paycheck fairness through this House in 2008, 2009, 2019. But, now, in the 117th Congress in which we welcomed the most women in our history, we must get it into law. We have the opportunity to make good on that promise that Presidents of both parties have made. We need to seize that moment.

It is time for us to say that the work that women do in our society today is valued and respected, and the contribution that we make, if it is good enough for the women in the House of Representatives, then it is good enough for women all over the United States.

Mr. Speaker, I include in the RECORD a letter supporting the Paycheck Fairness Act by a broad coalition of organizations that promote economic opportunity for women.

FEBRUARY 3, 2021.

CO-SPONSOR AND SUPPORT SWIFT PASSAGE OF
THE PAYCHECK FAIRNESS ACT

DEAR MEMBER OF CONGRESS: As members of a broad coalition of organizations that promote economic opportunity for women and vigorous enforcement of antidiscrimination laws, we strongly urge you to co-sponsor and push for swift passage of the Paycheck Fairness Act as a top priority of the 117th Congress. Despite federal and state equal pay laws, gender pay gaps persist, and earnings lost to these gaps are exacerbating the financial effects of COVID-19, falling particularly heavily on women of color and the families who depend on their income. This legislation offers a much needed update to the Equal Pay Act of 1963 by providing new tools to battle pervasive pay gaps and to challenge discrimination.

The COVID-19 pandemic and systemic racism have exposed how the work performed primarily by women, and particularly Black and brown women, has long been and continues to be undervalued and underpaid, even as the rest of the country is newly recognizing the essential nature of this work. Black women, Latinas, and other women of color are especially likely to be on the front lines of the crisis, risking their lives in jobs in health care, child care, and grocery stores; they are also being paid less than their male counterparts. At the same time, women in this country lost more than 5 million jobs in 2020; indeed, women accounted for 100% of the jobs lost in December 2020. The unemployment rate for Black women and Latinas

remains exceptionally high. These high jobless numbers threaten to exacerbate gender wage gaps when women regain employment. We cannot build back an economy that works for everyone without ensuring that all women can work with equality, safety, and dignity, starting with pay equity.

There is no more fitting way to begin this session than by making real, concrete progress in ensuring all women receive fair pay. The Paycheck Fairness Act updates and strengthens the Equal Pay Act of 1963 to ensure that it provides robust protection against sex-based pay discrimination. Among other provisions, this comprehensive bill bars retaliation against workers who voluntarily discuss or disclose their wages. It closes loopholes that have allowed employers to pay women less than men for the same work without any important business justification related to the job. It ensures women can receive the same robust remedies for sex-based pay discrimination that are currently available to those subjected to discrimination based on race and ethnicity. It prohibits employers from relying on salary history in determining future pay, so that pay discrimination does not follow women from job to job. And it also provides much needed training and technical assistance, as well as data collection and research.

Women are increasingly the primary or co-breadwinner in their families and cannot afford to be shortchanged any longer. Women working full-time, year-round are typically paid only 82 cents for every dollar paid to men. But for every dollar paid to their white, non-Hispanic male counterparts, Black women only make 63 cents, Native women only 60 cents, and Latinas only 55 cents. While Asian American and Pacific Islander (AAPI) women make 87 cents for every dollar paid to white, non-Hispanic men, women in many AAPI communities experience drastically wider pay gaps. Furthermore, moms are paid less than dads. And even when controlling for factors, such as education and experience, the pay gaps persist and start early in women's careers and contribute to a wealth gap that follows them throughout their lifetimes. These pay gaps can be addressed only if workers have the legal tools necessary to challenge discrimination and employers are provided with effective incentives and technical assistance to comply with the law.

We recently commemorated the twelfth anniversary of the enactment of the Lilly Ledbetter Fair Pay Act. That vital law rectified the Supreme Court's harmful decision in *Ledbetter v. Goodyear Tire & Rubber Company*. The law helps to ensure that individuals subjected to unlawful compensation discrimination are able to have their day in court and effectively assert their rights under federal antidiscrimination laws. But the Lilly Ledbetter Fair Pay Act, critical as it is, is only one step on the path to ensuring women receive equal pay for equal work. It's time to take the next step toward achieving equal pay. We urge you to prioritize the Paycheck Fairness Act in the 117th Congress by co-sponsoring and urging swift passage of this legislation, taking up the cause of Lilly Ledbetter and all those who have fought for equal pay.

If you have any questions, please do not hesitate to contact Kate Nielson, Director of Public Policy & Legal Advocacy at the American Association of University Women or Emily Martin, Vice President for Education & Workplace Justice at the National Women's Law Center.

Sincerely,

9to5; A Better Balance; AFCPE (Association for Financial Counseling & Planning Education); All-Options; American Association of University Women (AAUW); AAUW of

Alabama, AAUW of Alaska (AAUW Fairbanks (AK) Branch), AAUW of Arizona, AAUW of Arkansas, AAUW of California, AAUW of Colorado, AAUW of Connecticut, AAUW of Delaware, AAUW of District of Columbia (AAUW Washington (DC) Branch), AAUW Capitol Hill (DC) Branch), AAUW of Florida, AAUW of Georgia, AAUW of Hawaii, AAUW of Idaho, AAUW of Illinois, AAUW of Indiana, AAUW of Iowa, AAUW of Kansas, AAUW of Kentucky, AAUW of Louisiana, AAUW of Maine, AAUW of Maryland, AAUW of Massachusetts, AAUW of Michigan, AAUW of Minnesota, AAUW of Mississippi, AAUW of Missouri, AAUW of Montana, AAUW of Nebraska, AAUW of Nevada, AAUW of New Hampshire, AAUW of New Jersey, AAUW of New Mexico, AAUW of New York, AAUW of North Carolina, AAUW of North Dakota, AAUW of Ohio, AAUW of Oklahoma, AAUW of Oregon, AAUW of Pennsylvania, AAUW of Puerto Rico, AAUW of Rhode Island, AAUW of South Carolina, AAUW of South Dakota, AAUW of Tennessee, AAUW of Texas, AAUW of Utah, AAUW of Vermont, AAUW of Virginia, AAUW of Washington, AAUW of West Virginia, AAUW of Wisconsin, AAUW of Wyoming.

American Federation of Labor-Congress of Industrial Unions (AFL-CIO); American Federation of State, County and Municipal Employees; American Federation of Teachers; AnitaB.org; Association of Flight Attendants-CWA; Bend the Arc Jewish Action; California Women's Law Center; Catalyst; Center for American Progress; Center for Law and Social Policy (CLASP); Center for LGBTQ Economic Advancement & Research; Clearinghouse on Women's Issues; Coalition of Labor Union Women; Philadelphia Coalition of Labor Union Women; Community Health Councils; Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces; Connecticut Women's Education and Legal Fund (CWELF); Disciples Center for Public Witness.

Equal Pay Today; Equal Rights Advocates; Every Texan; Family Forward Oregon; Family Values@ Work; Feminist Majority Foundation; Futures Without Violence; Gender Justice; Holy Spirit Missionary Sisters, USA-JPIC; In Our Own Voice: National Black Women's Reproductive Justice Agenda; Indiana Institute for Working Families; Institute for Women's Policy Research; Justice for Migrant Women; KWH Law Center for Social Justice and Change; Labor Council for Latin American Advancement; Leadership Conference on Civil and Human Rights; League of Women Voters of the United States; Legal Aid at Work; Legal Momentum, The Women's Legal Defense and Education Fund; Legal Voice; MANA, A National Latina Organization; Methodist Federation for Social Action; Mi Familia Vota.

Michigan League for Public Policy; MomsRising; NAACP; National Advocacy Center of the Sisters of the Good Shepherd; National Asian Pacific American Women's Forum (NAPAWF); National Association of Social Workers; National Center for Law and Economic Justice; National Committee on Pay Equity; National Council of Jewish Women; National Domestic Violence Hotline; National Education Association; National Employment Law Project; National Employment Lawyers Association; National Employment Lawyers Association—Eastern Pennsylvania, National Employment Lawyers Association—Georgia; National Network to End Domestic Violence; National Organization for Women; Florida NOW, Illinois NOW, Indiana NOW, Jacksonville NOW, Kanawha Valley NOW, Maryland NOW, Monroe County NOW, Montana NOW, Northwest Indiana NOW, South Jersey NOW—Alice Paul chapter.

National Partnership for Women & Families; National WIC Association; National

Women's Law Center; National Women's Political Caucus; Native Women Lead; NETWORK Lobby for Catholic Social Justice; New Jersey Citizen Action; NewsGuild-CWA; New York Women's Foundation; North Carolina Justice Center; People For the American Way; PowHer New York; Prosperity Now; Reinventure Capital; Restaurant Opportunities Centers (ROC) United; Service Employees International Union; Shriver Center on Poverty Law; TIME'S UP Now; U.S. Women's Chamber of Commerce; Union for Reform Judaism; United State of Women; WNY Women's Foundation; Women and Girls Foundation of Southwest Pennsylvania; Women Employed; Women of Reform Judaism; Women's Fund of Rhode Island; Women's Fund of the Greater Cincinnati Foundation.

Women's Law Project; Women's Media Center; Women's Rights and Empowerment Network; YWCA USA: YWCA Allentown, YWCA Arizona Metropolitan Phoenix, YWCA Billings, YWCA Butler, YWCA Central Alabama, YWCA Central Indiana, YWCA Central Maine, YWCA Central Virginia, YWCA Dayton, YWCA Duluth, YWCA Elgin, YWCA Genesee County, YWCA Greater Austin, YWCA Greater Baton Rouge, YWCA Greater Cincinnati, YWCA Greater Cleveland, YWCA Greater Portland, YWCA Greenwich, YWCA Hartford Region, YWCA Kalamazoo, YWCA Kauai, YWCA Kitsap County, YWCA Knoxville and the Tennessee Valley, YWCA Lower Cape Fear, YWCA McLean County, YWCA Metro Detroit—Interim House, YWCA National Capital Area, YWCA New Hampshire, YWCA North Central Indiana, YWCA Northern New Jersey, YWCA Oahu, YWCA Pierce County, YWCA Princeton, YWCA QUINCY, YWCA Sauk Valley, YWCA Seattle King Snohomish, YWCA South Hampton Roads, YWCA Southeastern Massachusetts, YWCA Southern Arizona, YWCA University of Illinois, YWCA Utah, YWCA Western New York, YWCA Wheeling, YWCA Yakima; Zonta USA Caucus.

Ms. FOXX. Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan (Mrs. McCLAIN).

Mrs. McCLAIN. Mr. Speaker, I rise today in opposition of H.R. 7, the Paycheck Fairness Act.

We don't need the government telling business how much they can pay their employees. Let's not forget that it is business that has lifted us out of poverty, not the government.

As a former businesswoman who has actually signed the front of paychecks, not just the backs, what you do as an employee and what you produce as an employee matters, and what you produce should be reflected in your outcome, not your gender.

Do not—please, do not insult me as a woman by lowering the bar for me. And please, do not insult me as a business owner for forcing me to lower the bar for my employees. Outcomes and hard work are what leads to success, not your gender.

Gender discrimination is already against the law thanks to the Equal Pay Act.

At a time when businesses are shutting their doors due to the pandemic, we should be creating jobs and incentivizing people to work.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the gentlewoman from North Carolina (Ms. ADAMS), chair of the Subcommittee on Workforce Protections.

Ms. ADAMS. I thank the gentleman for yielding, and for his support, and for his leadership on the committee.

Mr. Speaker, I rise today, as I have done for my entire career, from the North Carolina House to the U.S. House, in support of equal pay for equal work.

It is 2021, and women are still subject to unequal, unfair compensation in the workplace. This truth, this wage gap is at its worst for women of color. Black women, for example, earn an average of 63 cents on the dollar compared to men.

This issue persists in nearly every line of work, regardless of education, experience, occupation, industry, or job title. And if you don't believe that data, take it from me. I have lived it.

The Paycheck Fairness Act is an opportunity for Congress to strengthen the Equal Pay Act, to bolster the rights of working women, and to put an end to the gender-based wage disparity once and for all.

We cannot continue to rob nearly half of our Nation's workforce of the wages they deserve, nor can we continue to force women to work far more just to be paid fairly.

Mr. Speaker, I include in the RECORD a letter from the National Partnership for Women and Families in support of H.R. 7, the Paycheck Fairness Act.

NATIONAL PARTNERSHIP FOR
WOMEN & FAMILIES,
April 13, 2021.

DEAR MEMBER OF CONGRESS: The National Partnership for Women & Families is a non-profit, non-partisan advocacy organization committed to improving the lives of women and families by achieving equity for all women. Since our creation as the Women's Legal Defense Fund in 1971, we have fought for every significant federal advance for equal opportunity in the workplace, including the Lilly Ledbetter Fair Pay Act of 2009. We write in strong support of H.R. 7, the Paycheck Fairness Act, and urge you to vote for passage while opposing any harmful amendments. This critical bill will help our nation build back an economy that works for everyone by ensuring that all women can work with equality and dignity.

As the Paycheck Fairness Act recognizes, women and workers from communities of color continue to face significant pay disparities in the United States. On average, women working full time and year-round are paid only 82 cents for every dollar paid to men, and the wage gap is widest for women of color. Among women who hold full-time, year-round jobs in the United States, Black women are typically paid 63 cents, Native American women 60 cents and Latinas just 55 cents for every dollar paid to white, non-Hispanic men. White, non-Hispanic women are paid 79 cents. Asian American and Pacific Islander (AAPI) women who work full time, year-round are paid as little as 52 cents for every dollar paid to white, non-Hispanic men, as Burmese women are. Asian American women overall are paid just 87 cents for every dollar paid to white, non-Hispanic men. The wage gap persists across different industries, occupations and education levels and exists in nearly every congressional district.

These troubling statistics underscore the need to update our nation's equal pay laws. The Paycheck Fairness Act would make it safe for workers to discuss their wages with

each other. Employers can currently mask compensation discrimination with pay secrecy policies that forbid employees from discussing pay and benefits. Secrecy and the threat of retaliation leave workers unable to learn about and challenge pay disparities. In a survey of private-sector workers, over 62 percent of women and 60 percent of men reported that their employers discourage or prohibit discussing wage and salary information. The Paycheck Fairness Act would make pay secrecy policies illegal.

The Paycheck Fairness Act would also prohibit employers from screening job applicants based on their salary history or requiring salary history during the interview process. Women are typically paid lower wages than men even in their first jobs. Salary disparities that begin early in a woman's career can follow her from job to job when employers are permitted to base a new hire's salary on her prior earnings. People should be paid fairly for the job they are being hired to do.

The bill would also make it more difficult for employers to justify pay discrimination. Workers in the same company who do the same job and have the same amount of experience, education and training should be paid the same. Currently, however, employers are able to explain away differences in pay too easily by relying on a catch-all defense in the Equal Pay Act. The Paycheck Fairness Act would close that loophole and require employers to prove that any differences in pay are not sex-based, are job-related concerning the position in question, and are consistent with business necessity and account for the entire difference in compensation. Employees claiming pay discrimination would also have new opportunities to prove that the employer's defense is the pretext.

In addition to these critical provisions, the Paycheck Fairness Act would also allow workers alleging pay discrimination within the same company to file class-action suits; would change the remedies of the Equal Pay Act to treat gender-based pay discrimination claims the same as other civil rights violations that result in unfair pay; would recognize companies that want to do better; and would improve fair pay enforcement, data collection and disclosure.

Closing the gender and racial wage gap is a crucial measure to take in response to COVID-19. Throughout the pandemic, women and people of color have disproportionately experienced the adverse effects of the public health and economic crisis. Women and people of color have been on the front lines working in our most essential occupations, but forces like wage inequality have kept them underpaid and undervalued. The Paycheck Fairness Act would ensure that workers are given the support needed to ensure pay equity during this time of crisis.

Updating our nation's equal pay laws is also crucial to reducing negative impacts resulting from the mass exodus of women from the labor force during the pandemic. Women's labor force participation is at a 33-year record low, with nearly a million moms having left the workforce, largely due to the difficulties of balancing full-time work and care responsibilities. Increases in women's labor force participation rates drove the significant narrowing of the gender wage gap during the 1970s and 1980s, a narrowing which stagnated in the late 1990s, around the time women's labor force participation peaked. Without the Paycheck Fairness Act, progress on closing the gender wage gap could be set back decades, especially since women face financial penalties for taking time out of the workforce, with one study finding that women who took just one year out of the workforce had annual earnings 39 percent lower than women who did not.

The Paycheck Fairness Act would strengthen existing federal protections, ensure more equitable workplaces and allow women to remain in the workforce and maintain their economic stability at all phases of life. At the current rate of progress, projections are that the gender wage gap will close in 2041 for Asian women, 2069 for white women, 2369 for Black women, and 2451 for Latina women. Women cannot—and should not—wait that long for pay equity. It is time to clarify and strengthen existing federal protections for women in the workforce by passing the Paycheck Fairness Act. We urge you to vote in support and opposed harmful amendments.

Ms. FOXX. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. FITZGERALD).

Mr. FITZGERALD. Mr. Speaker, I rise today in opposition to H.R. 7.

This bill is a solution in search of a problem, and it does nothing to help employees. In reality, the bill would only boost paychecks for trial lawyers and not workers.

H.R. 7 places unworkable, burdensome restrictions on employers, and also poses a threat to worker privacy.

Even more, this bill would kill the Christmas bonus by effectively prohibiting employers from paying end-of-the-year bonuses to their employees. This hardly seems fair to an employee, despite the title of the bill.

Republicans tried to strengthen the bill during the committee markup. My colleague, Ms. STEFANIK, offered an amendment that would have made commonsense improvements to the text, but that amendment was rejected by the Democrats.

I urge a “no” vote on the bill. We should not allow trial lawyers and burdensome restrictions to kill the Christmas bonus under the false guise of fairness.

Mr. SCOTT of Virginia. Mr. Speaker, this bill will prohibit paying all the men a bonus and none of the women a bonus, although they have produced equally for the business.

I yield 1 minute to the gentlewoman from Georgia (Mrs. MCBATH), a distinguished member of the Committee on Education and Labor.

Mrs. MCBATH. Mr. Speaker, I rise today in support of the Paycheck Fairness Act.

I want to commend Chairwoman ROSA DELAUNO for her extraordinary efforts and commend Chairman SCOTT for bringing this timely policy to fruition.

I am proud to be an original cosponsor of the Paycheck Fairness Act. I think most of us can agree that every American should earn equal pay for equal work.

This legislation takes meaningful steps toward ensuring that every American, regardless of gender, receives fair compensation for their work.

We have seen over the course of the COVID-19 pandemic that essential workers are the lifeblood of our society. We have seen women on the frontlines in the hospital, in the classroom, and at our essential retail

stores, and it is time that all of these “heroes” are compensated at the same rate as their male counterparts.

Mr. Speaker, I include in the RECORD a letter from the International Brotherhood of Teamsters urging passage of this legislation and highlighting the persistent wage gaps between genders.

INTERNATIONAL BROTHERHOOD
OF TEAMSTERS,
Washington, DC, April 13, 2021.
HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the more than 1.4 million members of the International Brotherhood of Teamsters, I urge you to support fundamental fairness by combating wage discrimination on the basis of sex by passing H.R. 7, the Paycheck Fairness Act. I urge you to vote yes on H.R. 7 and to pass the Paycheck Fairness Act without any weakening amendments.

The Paycheck Fairness Act would address the persistent wage gap based on sex by eliminating loopholes that hinder the effectiveness of the Equal Pay Act of 1963. H.R. 7 would update and strengthen the Equal Pay Act in important ways. The bill closes loopholes that have allowed employers to pay women less than men for the same work without any important business purpose related to the job. It would require employers to demonstrate that wage gaps are truly the result of factors other than gender. Importantly, it would prohibit retaliation against workers who share salary information or inquire about their employer's wage practices. H.R. 7 would also bring the remedies and procedures of the Equal Pay Act into conformance with those available for other civil rights claims. The Paycheck Fairness Act holds employers accountable for pay discrepancies between their male and female employees while strengthening incentives to prevent pay discrimination. And, it would preclude pay discrimination from following women from job to job.

While some progress has been made since the passage of the Lilly Ledbetter Fair Pay Act of 2009, the wage gap still persists, and disparities are evident at every educational level. Nationally, women still earn only 82 cents for every dollar earned by their male colleagues. For women of color, the wage gaps are even larger.

Passage of the Paycheck Fairness Act will provide women and all other workers the tools necessary to challenge discrimination against them. It is an important step in making real progress in the fight to eliminate the gender wage gap and to provide economic, and retirement, security to women and their families.

It is well past the time to end pay discrimination in the workplace. The Teamsters Union urges you to reject weakening amendments and to vote yes on final passage of the Paycheck Fairness Act.

Sincerely,

JAMES P. HOFFA,
General President.

Mrs. MCBATH. Mr. Speaker, the gender gap is clear, and the Paycheck Fairness Act will address this disparity. Not only will this legislation help women in Georgia, but it will help families across the Nation.

□ 1300

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, proponents of H.R. 7 claim that despite current prohibitions against pay discrimination, female workers are still paid, on average, con-

siderably less than male workers and, as a result, a pernicious wage gap exists. However, many studies demonstrate that the gap is not necessarily the product of workplace discrimination.

In fact, this gap nearly disappears when factors such as hours worked per week, rate of leaving the workforce, and industry and occupation are considered.

A 2020 study by compensation software company PayScale found that when controlling for job title, years of experience, industry, location, and other compensable factors, women earned 98 percent as much as men.

A 2009 study commissioned by the U.S. Department of Labor found a gender wage gap of between 4.8 and 7.1 percent when controlling for economic variables between men and women.

A 2018 Harvard study found that the gap in pay between female and male bus and train operators working for the Massachusetts Bay Transportation Authority, MBTA, can be explained by the workplace choices that women and men make rather than other factors, such as discrimination. The study found that the earnings gap for MBTA bus and train operators is explained by the fact that the male operators took 48 percent fewer unpaid hours off and worked 83 percent more overtime hours per year than the female operators.

I want to point out that I am giving you facts here, Mr. Speaker, facts.

These differences are not due to any different work options faced by female and male operators. Rather, the study found that the female operators had a greater demand for workplace flexibility and a lower demand for overtime work hours than the male operators.

Pay discrimination is wrong and already illegal. We probably cannot say that enough. Any new legislation to combat pay discrimination should be based on facts, not supposition, not projection. The facts seem to be sorely missing from this debate.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. ESPAILLAT), a distinguished member of the Committee on Education and Labor.

Mr. ESPAILLAT. Mr. Speaker, before I begin, I include in the RECORD a letter from the Equal Rights Advocates in support of H.R. 7.

EQUAL RIGHTS ADVOCATES,
April 14, 2021.

Re Pass the Paycheck Fairness Act (H.R. 7) and vote no on harmful amendments.

DEAR REPRESENTATIVE: As the House votes on the Paycheck Fairness Act (H.R. 7), Equal Rights Advocates strongly urges you to pass the Paycheck Fairness Act, H.R. 7, without amendments that limit its scope or undermine its critical protections.

Equal Rights Advocates (ERA) is a national, non-profit legal organization based in San Francisco, California, whose mission is to protect and expand economic and educational access and opportunities for women and girls. We have a long history of working

to address pay discrimination and to close the gender wage gap. We have litigated numerous cases relating to pay discrimination and regularly provide information and resources to employees who contact our free legal information hotline regarding unlawful gender and race-based pay disparities.

We also advocate for various bills at the state-level to ensure economic and gender justice for women and families. Most recently, ERA has co-sponsored SB 973 (Jackson, 2020) which requires California employers with 100 employees or more to submit an annual pay data report to the Department of Industrial Relations outlining the compensation and hours worked of its employees by gender, race, ethnicity, and job category. This allows state agencies to more efficiently identify patterns of wage disparities and encourages employers to analyze their own pay practices to ensure they are fair and lawful. Additionally, ERA co-sponsored the California Fair Pay Act, SB 358, (Jackson, 2016) which amended and strengthened our state's Equal Pay Act to prohibit employer secrecy rules, clarify that workers must be paid equally to coworkers of another sex who perform substantially similar work, unless the employer proves that the disparity was due to a legitimate, job-related, bona fide factor not based on or derived from sex. We also cosponsored AB 168 (Eggman, 2017) which prohibits California employers from inquiring about prior salary and requires them to provide the pay Scale for a position in question upon reasonable request and AB 2282 (Eggman, 2018) which clarified that prior salary cannot be used on its own, or in combination with a lawful factor, to justify a wage differential under the California Equal Pay Act. Finally, ERA also chairs Equal Pay Today, a national collaboration of organizations working at the local, regional, and federal level to close the gender wage gap.

Today in the United States, despite the passage of previous equal pay legislation, including the critically important Lily Ledbetter Fair Pay Act, the gender pay gap remains pervasive. Women, even those who work full-time and year round, still only earn 80 cents to a man's dollar. This gives rise to a nationwide pay gap of \$900 billion every year. For women of color, the pay gap is even larger. For every dollar earned by a non-Hispanic white man, Latina women earn only 53 cents, Native American women only 58 cents, and Black women only 61 cents. These large pay gaps, although of varying sizes across demographics of women, prove harmful to the economic security of women and families across the country. The negative economic consequences of these gender pay gaps are especially pronounced as "mothers are primary or sole breadwinners in half of U.S. households with children." Of these female-headed households, one-quarter of them fall below the poverty line.

As it stands, the gender and race pay gaps are closing at a glacial pace. At current rates, the gender wage gap will not close until 2059. For women of color, the picture is even bleaker. It will not be until 2124 that Black women receive equal pay to white men and not until 2233 that Latinas receive the same. Now is the time for action.

The Paycheck Fairness Act is an important step in accelerating the closing of the gender pay gap. Among many provisions, the Paycheck Fairness Act would bar retaliation for discussing or disclosing wages. According to the Institute for Women's Policy Research, across the country, about half of workers were prohibited or strongly discouraged from disclosing their wages to other employees. Yet, when an individual is unable to discuss wages with other employees, it becomes exceedingly difficult to determine if one is making less than one's colleagues. By

ending the practice of pay secrecy, the Paycheck Fairness Act would make it harder for employers to keep pervasive practices of pay discrimination hidden.

In addition, the Paycheck Fairness Act would also prohibit employers from relying on salary history when setting the wages of their employees. This provision is critical as the practice of relying on prior salary can lead to a single act of pay discrimination following a woman throughout her career. One year out of college, women are already earning 7 percent less than their male colleagues, even after controlling for factors such as college major, occupation, or hours worked. If a woman's prior salary is used by future employers, the gender pay gap will continue to persist as a depressed past salary continues to be used to determine future wages. Prohibiting employer reliance on salary history will help stop the perpetuation of unequal pay.

Another crucial provision in this version of the Paycheck Fairness Act is the commitment to pay data collection. As mentioned above, ERA fought for pay data collection at the California state-level and secured this via SB 973 (Jackson, 2020). The need to ensure equal pay is now more apparent than ever during the current COVID-19 health and economic crisis, which has exposed the lasting harm of unequal pay and other contributors to economic security on women, and in particular, women of color. Pay data collection helps uncover pay discrimination, which is a major contributor to the overall gender and race-based wage gaps.

Recognizing that pay discrimination is difficult to detect and address, the Obama Administration announced a proposed revision to the Employer Information Report (EEO-1) to include the reporting of pay data by gender, race and ethnicity beginning in 2018. For more than 50 years, large companies have been submitting these EEO-1 reports with demographic information to the Equal Employment Opportunity Commission (EEOC). This data has helped the agency to identify patterns of occupational segregation and discrimination and enforce federal equal pay and anti-discrimination law. However, the Trump Administration put a halt to the implementation of this new rule, dealing a significant blow to the fight for equal pay.

The Paycheck Fairness Act would also close loopholes that allow employers to pay women less without a legitimate business justification and would provide the same robust remedies for sex-based pay discrimination as race and ethnicity based discrimination. It would also require wage data collection and support salary negotiation skills training programs to give women the tools to advocate for higher wages. Salary negotiation workshops have been shown to be highly effective. For example, in a study conducted following the free salary negotiation workshops put on by the city of Boston, the Center for Women in Politics and Public Policy at the University of Massachusetts Boston found that nearly half of the women who were interviewed had either successfully negotiated a pay raise or starting salary that brought them either to or above the market rate following the training.

As the bill states, these continuing pay disparities have devastating impacts on women, especially women of color. Over the course of the COVID-19 pandemic, researchers have found this to be even more true. Since last February, 2.4 million women have exited the workforce, or, been pushed out of the workforce, highlighting a dramatic regress for gender equity. More and more women are forced to stay home in order to care for children and loved ones while men continue to work. Before the pandemic, "women did, on average, three times more

unpaid care work than men, and this responsibility has heightened since the pandemic given school and childcare closures, and increased care needs for elderly relatives." Women who are able to remain in the workforce, however, are still paid less than their male colleagues, especially Black women and women of color. COVID-19 has exacerbated these long-standing gender and racial inequities. Now, more than ever, elected officials must recognize these disparate impacts and deliver solutions to American women.

Without continued efforts to provide women with the tools to challenge and unearth pay discrimination and provisions to keep employers from perpetuating persistent inequalities, the gender pay gap will not close. The Paycheck Fairness Act is an important step on the path towards a future where women can stand on equal economic footing to their male counterparts.

For these reasons, we are proud to support the Paycheck Fairness Act and urge you to pass the Paycheck Fairness Act.

JESSICA STENDER,
Senior Counsel,

Workplace Justice & Public Policy.

Mr. ESPAILLAT. Mr. Speaker, it should offend every one of us that there remains a pay gap between men and women for the same work.

Women of color, in particular—African-American women, Latina women, Native American women, AAPI women—are making as low as 52 cents, Mr. Speaker, for every dollar for the same job and work by a man.

This is a travesty.

Let's make our communities stronger. Let's make our economy stronger.

In Harlem, East Harlem, northern Manhattan, and the northwest Bronx, women of color are the majority of workers. I can't go back home to my district and say that somehow they are working the same as men, or maybe more, in many cases, and are making less.

I support H.R. 7, the Paycheck Fairness Act, because we need to bring fairness into the discussion. Let's make our communities stronger. Let's make our economy stronger.

Gender-based pay discrimination should not be something we are still discussing now in 2021.

The Paycheck Fairness Act will put everyone on the line to make sure that we are all doing our best to ensure fair and equitable pay.

Closing the pay gap will make women and families financially stronger.

Mr. Speaker, let's make our communities stronger. Let's make our economy stronger.

Ms. FOXX. Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. SPEIER), the co-chair of the Democratic Caucus.

Ms. SPEIER. Mr. Speaker, I include in the RECORD a letter titled "Support the Paycheck Fairness Act" written by The Leadership Conference on Civil and Human Rights.

THE LEADERSHIP CONFERENCE
ON CIVIL AND HUMAN RIGHTS,
April 14, 2021.

SUPPORT THE PAYCHECK FAIRNESS ACT, H.R.

7—VOTE NO ON HARMFUL AMENDMENTS

DEAR REPRESENTATIVE: On behalf of The Leadership Conference on Civil and Human

Rights, a coalition charged by its diverse membership of more than 220 organizations to promote and protect the rights of all persons in the United States, we urge you to vote for the Paycheck Fairness Act, H.R. 7, without amendments that limit its scope or undermine its critical protections. The Paycheck Fairness Act is a priority of The Leadership Conference, and we will include your vote on final passage in our Voting Record for the 117th Congress.

Gender-based pay discrimination compromises the economic security of millions of women in the United States—and for women of color, the harm is exacerbated by their experience of both race- and gender-based wage disparities. Women working full-time, year-round in the United States are typically paid about 82 cents for every dollar paid to men, adding up to a loss of more than \$400,000 over a lifetime. Black women are typically paid only 63 cents for every dollar paid to non-Hispanic white men, while Native American women are paid only 60 cents, Latinas are paid just 55 cents, and women in certain Asian American and Pacific Islander communities are paid as little as 52 cents. Research shows that the gender pay gap occurs across almost all occupations and industries, develops very early in women's careers, and grows over time.

Action to close the wage gap is long overdue, but in light of the current economic crisis, it is even more critical that Congress act now to strengthen protections against pay discrimination, both as a matter of economic security and fundamental fairness. The loss of income and savings from the wage gap has exacerbated the harmful effects of the COVID-19 pandemic for women of color and their families. Black and Brown women have been overrepresented in "frontline" jobs during the pandemic—many in low-paid jobs at high risk of exposure to COVID-19 and without benefits like paid leave and employer-sponsored health insurance—but they are paid less than non-Hispanic white men in the same jobs. Already struggling to make ends meet, women of color in low-pay jobs must also endure pay discrimination that artificially reduces their overall earnings, making it even less likely for women of color to amass the financial resources to withstand a health emergency and putting entire families at risk of economic insecurity. Almost 75 percent of Black mothers and more than 45 percent of Latina mothers were breadwinners in their families in 2018. At the same time, Black and Brown women have faced staggering job losses during the pandemic. The unemployment rate for Black women reached 17.4 percent in May 2020, for example, and Latinas experienced the highest unemployment rate of any group during the pandemic, at more than 20 percent in April of last year. The unemployment rate for Black women and Latinas remains exceptionally high.

The Paycheck Fairness Act would update and strengthen the Equal Pay Act of 1963 to provide more effective protection against sex-based pay discrimination. The Paycheck Fairness Act would:

Prohibit retaliation against workers who discuss or disclose wages;

Prevent employers from relying on salary history to determine future pay so that pay discrimination does not extend from job to job;

Close loopholes in the Equal Pay Act that have allowed employers to pay women less than men for the same work without any business necessity related to the job;

Ensure that women can obtain the same remedies for sex-based pay discrimination as those available to people subjected to discrimination based on race and ethnicity;

Provide for much-needed training and technical assistance and require wage data collection.

Women and their families can no longer be shortchanged. Given the importance of this bill, we urge representatives to pass H.R. 7 without amendments that limit the bill's scope or undermine its protections.

Sincerely,

WADE HENDERSON,
*Interim President and
CEO.*

LASHAWN WARREN,
*Executive Vice President
for Government
Affairs.*

Ms. SPEIER. Mr. Speaker, for a quarter of a century, Chairwoman DELAURO has been trying to get this bill passed. She is sick and tired, I am sick and tired, and American women are sick and tired of being treated like second-class citizens.

Imagine if the women here in Congress were being paid 60, 70, or 80 percent of what our male colleagues are making. Do you think we would put up with it? Of course not. Somehow, American women are expected to put up with that.

Do you want facts? Ask about Ms. Rexroat, from the State of Arizona, who was paid less than her colleague because they decided that they would base her salary on what she was making before, as opposed to the job at hand.

We have a problem, Mr. Speaker. This has been going on for way too long. It is time for us to fix it for all the women and children in this country who want to be paid equally for equal work so that they have money for childcare, rent, food, and education.

Ms. FOXX. Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the gentlewoman from the District of Columbia (Ms. NORTON), the previous head of the EEOC.

Ms. NORTON. Mr. Speaker, I include in the RECORD a letter from the American Bar Association supporting passage of the Paycheck Fairness Act.

AMERICAN BAR ASSOCIATION,

April 13, 2021.

Re ABA Urges Passage of the Paycheck Fairness Act.

DEAR REPRESENTATIVE: On behalf of the American Bar Association (ABA), the largest voluntary association of lawyers and legal professionals in the world, I am writing to urge you to vote for passage of the Paycheck Fairness Act, which would update the Equal Pay Act of 1963 enacted by Congress almost 60 years ago to prohibit gender-based pay inequality. This legislation, which is expected to come to the floor this week, has the support of working men and women across the country who want this nation to live up to its expressed commitment to equal pay for equal work.

The Equal Pay Act of 1963 prohibits an employer from paying unequal wages to male and female workers who perform jobs under similar work conditions that require substantially equal skill, effort, and responsibility unless there is a legitimate reason for a pay differential.

The Paycheck Fairness Act does not alter the basic scheme of this statute or impose unreasonable burdens on employers; indeed, the majority of its proposed changes are borrowed from other civil rights statutes that

have proved more effective in eradicating workplace discrimination.

We would like to respond to some persistent misperceptions regarding this important legislation:

Enactment of this bill will not compel businesses to pay their female workforce substantially more money to eliminate the existing wage gap. The purpose of this bill is to update the Equal Pay Act, which only applies in situations where women or men are receiving unequal pay for equal work. It does not create a new mandate. Employers already have a legal obligation to pay men and women equal wages for equal work unless there is a legitimate reason for the differential.

Enactment of this bill will not interject the government into the pay decisions of businesses. The Paycheck Fairness Act does not tell employers what factors to use to set pay; it only requires that pay decisions are job- and business-related.

Enactment of this bill will not make employers liable for any and every wage differential. An employer will still have four affirmative defenses and will not be guilty of wage discrimination if a pay differential is based on (i) seniority, (ii) merit, (iii) a system that measures quantity or quality of production, or (iv) a "factor other than sex." 29 U.S.C. 206(d)(1). The only difference is that Paycheck Fairness Act will resolve uncertainty in the law over how to apply the fourth defense by redefining it as "a bona fide factor other than sex, such as education, training, or experience."

Enactment of a provision to clarify the "factor other than sex" defense will not eviscerate legitimate use of the defense. It is intended to prevent employers from asserting that unequal pay was the result of market force-derived excuses such as prior salaries or negotiation outcomes. A bona fide factor other than sex must be job-related, consistent with business necessity, and account for the entire differential in compensation at issue. The only time this defense would not apply would be in situations where an alternative employment practice is available that would serve the same business purpose without producing the wage differential and the employer has refused to adopt it.

Enactment of this bill will not encourage more lawsuits and jeopardize post-pandemic economic recovery. The bill is designed to resolve uncertainties in the law and increase employer compliance with the Equal Pay Act, not to encourage more lawsuits.

The bill's strengthened remedies, which align with those available in other employment discrimination statutes, will encourage employers to review their wage-setting practices and rectify those that are based on invalid justifications. Men and women who are paid fairly have no incentive to jeopardize their jobs and subject themselves to costly, time-consuming, and emotionally taxing lawsuits brought against their employers.

The bill's clarification of the "factor other than sex" defense will not spawn new litigation. Instead, it will provide guidance to the courts and resolve uncertainty in the law. The standard, which is adapted from Title VII discrimination cases and codified in the Civil Rights Act of 1991, is one with which courts already are familiar.

The bill will help strengthen the economy by improving the present and future economic welfare of working women, who comprise about one-half of the workforce and are the primary breadwinner in more than 12 million American families.

We urge you to demonstrate your commitment to equal pay for equal work by voting for the Paycheck Fairness Act.

Thank you for your consideration of our views.

Sincerely,

PATRICIA LEE REFO.

Ms. NORTON. Mr. Speaker, I am pleased to strongly support H.R. 7, the Paycheck Fairness Act, a critically important bill.

As the first woman to chair the U.S. Equal Employment Opportunity Commission, I enforced the Equal Pay Act. I particularly appreciate that H.R. 7 would bring long-awaited strength to the EPA.

I especially appreciate that Congresswoman ROSA DELAUNO, a great champion for equal pay, has included my Pay Equity for All Act in H.R. 7, where I will focus today.

The Pay Equity for All Act would prohibit employers from asking job applicants their salary history. Even though many employers may not intentionally discriminate against applicants or employees based on gender, race, or ethnicity, setting wages based on salary history is routinely done in the workplace and can reinforce the wage gap. Evidence clearly shows that members of historically disadvantaged groups often start their careers with unfair and artificially low wages compared to their White male counterparts, and these disparities are compounded from job to job.

Job and salary offers should be based on an applicant's skill and merit, not on salary history. This bill addresses this problem by assessing penalties against employers who ask applicants for their salary history during the interview process.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 7 requires that the employer defense must be consistent with "business necessity," a broad and ill-defined term.

We don't know how the courts will interpret this sweeping requirement, but we do know the dictionary says it means "absolutely essential" or "indispensable."

How can an employer prove that any one factor determining employee pay could rise to the level to be necessary for the survival of the business?

Proponents of H.R. 7 will argue this phrase has been adopted from title VII, as amended by the 1991 Civil Rights Act, but the phrase has spawned endless litigation because of its lack of clarity. Anyone who thinks this concept is simple and can just be carried over from title VII is either naive or has been misled.

Further, the dubious concept of business necessity was developed under controversial so-called disparate impact analysis and cannot simply be slapped onto the Equal Pay Act, especially where, as mandated by H.R. 7, damages are unlimited. In contrast, under title VII, in disparate impact cases, damages are limited to backpay and benefits.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, this bill is really about mothers and

daughters who earn about 82 cents on the dollar for every dollar a man earns. It is about mothers and daughters who lose about \$1 trillion a year because of the wage gap.

For those men who don't have a really good reason to vote for it, it is about the fact that a woman gave birth to every man alive. So for all of the suffering, we ought to vote for this bill, because we are here as a result of some woman suffering for us.

At this time, I include in the RECORD a letter from the National Committee on Pay Equity.

NATIONAL COMMITTEE
ON PAY EQUITY,
April 14, 2021.

Re Pass the Paycheck Fairness Act (H.R. 7) and vote no on harmful amendments.

DEAR REPRESENTATIVE: As the House votes on the Paycheck Fairness Act (H.R. 7), the National Committee on Pay Equity (NCPE) strongly urges you to pass the Paycheck Fairness Act, H.R. 7, without amendments that limit its scope or undermine its critical protections.

The National Committee on Pay Equity (NCPE), founded in 1979, is a coalition of women's and civil rights organizations; labor unions; religious, professional, and educational associations, commissions on women, state and local pay equity coalitions and individuals working to eliminate sex- and race-based wage discrimination and to achieve pay equity. These pay gaps can be addressed only if workers have the legal tools necessary to challenge discrimination and employers are provided with effective incentives and technical assistance to comply with the law. The Paycheck Fairness Act is one of these urgently required tools.

Despite federal and state equal pay laws, gender pay gaps persist, and earnings lost to these gaps are exacerbating the financial effects of COVID-19, falling particularly heavily on women of color and the families who depend on their income. The Paycheck Fairness Act, which has been passed three previous times by the House of Representatives, mostly recently in the 116th Congress, offers a much-needed update to the Equal Pay Act of 1963 by providing new tools to battle pervasive pay gaps and to challenge discrimination.

Women are increasingly the primary or co-breadwinner in their families and cannot afford to be shortchanged any longer. Women working full-time, year-round are typically paid only 82 cents for every dollar paid to men, adding up to a loss of more than \$400,000 over a lifetime. This wage gap varies by race and is larger for many women of color: Black women working full time, year round typically make only 63 cents, Native American women only 60 cents, and Latinas only 55 cents, for every dollar paid to their white, non-Hispanic male counterparts. Latinas lose more than \$1 million over a 40-year career due to the wage gap. While Asian American and Pacific Islander (AAPI) women make 85 cents for every dollar paid to white, non-Hispanic men, many AAPI communities experience drastically wider pay gaps. And even when controlling for factors, such as education and experience, pay gaps persist and start early in women's careers and contribute to a wealth gap that follows them throughout their work lives and into retirement. Persistent pay discrimination, often cloaked by employer-imposed pay secrecy policies, is one factor driving these wage gaps.

The Paycheck Fairness Act updates and strengthens the Equal Pay Act of 1963 to en-

sure that it provides robust protection against sex-based pay discrimination. Among other provisions, this comprehensive bill:

- ends secrecy around pay by barring retaliation against workers who voluntarily discuss or disclose their wages, and requiring employers to report pay data to the EEOC

- prohibits employers from relying on salary history in determining future pay, so that pay discrimination does not follow women from job to job

- closes loopholes that have allowed employers to pay women less than men for the same work without any important business justification related to the job

- ensures women can receive the same robust remedies for sex-based pay discrimination that are currently available to those subjected to discrimination based on race and ethnicity

- provides much needed training and technical assistance, as well as data collection and research

The COVID-19 pandemic and systemic racism have exposed how the work performed primarily by women, and particularly Black and brown women, has long been and continues to be undervalued and underpaid, even as the rest of the country is newly recognizing the essential nature of this work. We cannot build back an economy that works for everyone without ensuring that all women can work with equality, safety, and dignity, starting with pay equity. Passing the Paycheck Fairness Act would mark a vitally important step toward ensuring this becomes reality.

We urge you to pass the Paycheck Fairness Act without harmful amendments that weaken its critical protections.

Sincerely,

CAROLYN YORK,
Secretary-Treasurer,
National Committee on Pay Equity.

Ms. FOXX. Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, this year marks the 58th anniversary of the Equal Pay Act. Despite the goal to ensure equality for women in the workplace, nearly 60 years later, the pay gap still exists.

Women today, on average, make 82 cents for every dollar earned by a man. For women of color, the disparity is worse, with Black women making 63 cents on the dollar, AAPI women making 60 cents, and Latinas making 55 cents.

This disparity is unacceptable, and it is unfair.

Let us come together right now to pass H.R. 7, the Paycheck Fairness Act.

When women get equal pay, our families and our entire economy will do better.

I include in the RECORD a letter from the United Church of Christ in favor of H.R. 7.

UNITED CHURCH OF CHRIST

DEAR REPRESENTATIVE: We are writing to ask for your support in passage of the Paycheck Fairness Act (H.R. 7), and to ensure that passage in the House is done without amendments that diminish the protections provided by the bill.

There is ample evidence to show that despite equal pay laws, the gender pay gap exists. These lost earnings add up to a loss of over \$400,000 in a lifetime. The wage gap is even more significant for women of color

with Black women working full time making only 63 cents for every dollar paid to men, Native American women only 60 cents, and Latinas only 55 cents, for every dollar paid to their white, non-Hispanic male counterparts.

As people of faith, we believe that each person deserves to be treated with dignity and humanity. When women are paid less for the same work that is a concrete and explicit way of showing that their work and personhood are valued less. Passage of the Paycheck Fairness Act will strengthen and update the Equal Pay Act and provide women with the legal means to fight the gender pay gap and challenge gender pay discrimination.

The work done by women, and particularly Black and brown women, is undervalued and underpaid. Even though much of that labor is what keeps people fed, clothed, and cared for. The work of women, so important to how a society functions is always relegated to less pay and less value. This is a gross injustice—and part of the systemic racist structures that undergird the economic system in the United States. God's vision for our world is one where all are valued, no matter their gender, race, or credo.

We urge you to pass the Paycheck Fairness Act without harmful amendments that weaken its critical protections.

THE UNITED CHURCH OF CHRIST
JUSTICE AND WITNESS MINISTRIES

Ms. FOXX. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, we all agree that every American should be compensated for the quality of their work and not face discrimination in the workplace based on race, color, national origin, religion, or sex.

That is why Congress passed the Equal Pay Act in 1963 and broader non-discrimination laws under title VII of the Civil Rights Act the following year.

However, unlike those bills, H.R. 7 offers no new protections. It is simply a messaging bill to score political points.

What will the bill actually do? For job creators, they can expect more lawsuits and more regulatory burdens.

While limiting legal options for women by changing EPA class action lawsuits from an opt-in system to a mandatory opt-out system, H.R. 7 allows trial lawyers to pursue unlimited compensatory damages, making it nearly impossible for employers to defend against frivolous lawsuits.

Additionally, it requires employers to make intrusive data disclosures to the Equal Employment Opportunity Commission regarding the sex, race, and national origin of employees and, for the first time, the hiring, termination, and promotion data of those employees, ultimately posing a threat to workers' privacy.

The compliance costs to satisfy these requirements can total more than \$600 million a year. We have already seen a number of small businesses forced to close this year because of COVID lockdowns, and now my Democratic colleagues want to impose more regulatory burdens on businesses that were lucky enough to survive.

Thankfully, my colleague from New York, Congresswoman ELISE STEFANIK, has a solution that will actually ad-

dress pay discrimination and support women in the workplace. The Wage Equity Act protects workers' privacy by encouraging voluntary pay analysis while bolstering women's employment through the creation of a grant program for women in college or career and technical programs to provide negotiation skills education.

I urge my colleagues to oppose H.R. 7 and work with Republicans on meaningful legislation to ensure all workers have the opportunity and wages they deserve.

□ 1315

Mr. SCOTT of Virginia. Mr. Speaker, could you advise us how much time is available on each side?

The SPEAKER pro tempore. The gentleman from Virginia has 14¼ minutes remaining. The gentlewoman from North Carolina has 11½ minutes remaining.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the gentlewoman from Oregon (Ms. BONAMICI), the chair of the Subcommittee on Civil Rights and Human Services.

Ms. BONAMICI. Mr. Speaker, I rise in strong support of the Paycheck Fairness Act.

The Equal Pay Act has been the law for more than half a century, but, in 2021, equal pay for equal work is still not a reality for many women, especially women of color. This is an injustice to millions of working families. Closing the wage gap is an economic imperative.

Last month, I was honored to chair the hearing on persistent gender-based wage discrimination. We heard witnesses describe the barriers to detecting wage discrimination and holding employers accountable. Most importantly, we heard how the Paycheck Fairness Act can address the problematic loopholes in the current law, empower workers to better detect and combat wage discrimination, and create mechanisms for better pay data transparency.

By advancing the Paycheck Fairness Act, we can restore the original intent of the Equal Pay Act and finally make equal pay for equal work a reality. I thank Congresswoman DELAURO for her steadfast leadership. I urge my colleagues to support this bill.

Mr. Speaker, I include in the RECORD a letter in support of the Paycheck Fairness Act from the American Association of University Women.

AAUW,
April 14, 2021.

DEAR REPRESENTATIVE: On behalf of the more than 170,000 members and supporters of the American Association of University Women (AAUW), I urge you to vote in support of the Paycheck Fairness Act (H.R. 7) and to oppose harmful amendments when the bill comes to the House floor this week. Despite federal and state equal pay laws, gender pay gaps persist. The Paycheck Fairness Act offers a much needed update to the Equal Pay Act of 1963 by providing new tools to battle these pervasive pay gaps and to challenge discrimination.

The dual crises of a global pandemic and systemic racism have laid bare the economic

disparities in our country. While we all struggle to survive, we are relying heavily on the work performed by essential workers who are disproportionately Black and brown women. Yet their work has long been and continues to be undervalued and underpaid. At the same time, in 2020, American women lost more than 5 million jobs. Women accounted for 100% of the jobs lost last December—all 140,000 of them—and women of color made up an overwhelming share of those jobs. This massive job loss coupled with the consistent undervaluing of women's work compounds over time and results in significant lost earnings. As a result, women do not have a financial cushion to help weather the current economic crisis or the ability to build wealth, all of which contribute to racial and gender wealth gaps that create barriers to families' economic prosperity. We cannot build back our economy without immediately addressing these realities. And women and their families cannot afford to wait any longer for change.

To appropriately respond to the crises we are currently experiencing we must make real, concrete progress in ensuring all women receive fair pay. While the gap has narrowed since passage of the Equal Pay Act of 1963, progress has largely stalled in recent years. Data from the U.S. Census Bureau once again revealed that women working full-time, year-round are typically paid only 82 cents for every dollar paid to men. The pay gaps are even wider for women of color. Black women and Latinas make, respectively, 63 and 55 cents on the dollar as compared to non-Hispanic, white men. Action is required now: at the current rate, the overall pay gap between men's and women's earnings will not close until 2093 and it will take significantly longer for women of color to reach parity.

Research indicates that the gender pay gap develops very early in women's careers. Controlling for factors known to affect earnings, such as education and training, marital status, and hours worked, research finds that college-educated women still earn 7 percent less than men just one year out of college. Over time, the gap compounds and widens, impacting women's social security and retirement. Ensuring that women have equal pay would have a dramatic impact on families and the economy. According to a report from the Institute for Women's Policy Research (IWPR), the poverty rate for all working women would be cut in half, falling from 8.0 percent to 3.8 percent if women were paid the same as comparable men. The same study indicates that the U.S. economy would have produced an additional \$512.6 billion in income if women had received equal pay for equal work. This is why I urge you to pass this important bill.

The Paycheck Fairness Act would update and strengthen the Equal Pay Act of 1963 to ensure that it provides effective protection against sex-based pay discrimination in today's workplace.

The bill takes several important steps, including:

Guaranteeing Non-Retaliation: The bill prohibits retaliation against workers for discussing or disclosing wages. Without the non-retaliation provisions of the Paycheck Fairness Act, many women will continue to be silenced in the workplace—that is, prohibited from talking about wages with coworkers without the fear of being fired. This is an issue that keeps women—like it kept Lilly Ledbetter—from learning of the pay discrimination against them.

Prohibiting Reliance on Prior Salary History: The bill prohibits employers from relying on salary history in determining future pay, so that prior discrimination doesn't follow workers from job to job.

Requiring Job-Relatedness: The bill closes loopholes that allow employers to pay women less than men for the same work without a business necessity that is related to the job.

Equalizing Remedies: The bill ensures women can receive the same robust remedies for sex-based pay discrimination that are currently available to those subjected to discrimination based on race and ethnicity.

Providing Additional Assistance and Resources: The bill also provides technical assistance to businesses, requires wage data collection, and supports salary negotiation skills training programs to give women the tools to advocate for higher wages.

The pay gap is persistent and can only be addressed if women are armed with the tools necessary to challenge discrimination against them, and employers are provided with effective incentives and technical assistance to comply with the law. I urge you to take a critical step towards pay equity by voting in support of the Paycheck Fairness Act (H.R. 7) and opposing harmful amendments when the bill comes to the House floor this week.

Cosponsorship and votes associated with this bill may be scored in the AAUW Action Fund Congressional Voting Record for the 117th Congress.

Sincerely,

KATE NIELSON,
Senior Director of Public Policy,
Legal Advocacy & Research.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume. Another provision in H.R. 7 requires that, in addition to proving business necessity, an employer must prove the business necessity accounts for 100 percent of the differential in compensation at issue. This is impossible to do. How can an employer explain slight differences in compensation based on educational level, experience, or quality of work on the job?

This bill is going to make it impossible for employers to pay differentially on merit for anything. It is a bad bill, and we should not be passing it.

I urge my colleagues to vote "no."

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the gentleman from Rhode Island (Mr. CICILLINE).

Mr. CICILLINE. Mr. Speaker, this Nation has made far too little progress in the fight for equal pay in the workplace. In 2021, women who work full time year round are paid, on average, only 82 cents for every dollar paid to men. This adds up to over \$400,000 in lost wages over the course of a woman's career.

For women of color, the gender gap is a gender chasm, with Latinas earning 55 cents, Black women earning 63 cents, and Asian American and Pacific Islander women earning a mere 52 cents for every dollar paid to a White man for the same work.

The long overdue Paycheck Fairness Act would bring us closer to closing these gaps by ensuring equal pay for equal work. Notably, it would hold employers accountable for discriminatory practices, end pay secrecy, ease workers' ability to challenge pay discrimination, and strengthen the available remedies for wronged employees.

I thank Congresswoman DELAURO for her tireless advocacy on this issue.

Mr. Speaker, I include in the RECORD a letter of support from the National Women's Law Center.

NATIONAL WOMEN'S LAW CENTER,

April 14, 2021.

Re Pass the Paycheck Fairness Act (H.R. 7) and vote no on harmful amendments.

DEAR REPRESENTATIVE: As the House votes this week on the Paycheck Fairness Act (H.R. 7), we strongly urge you to pass the Paycheck Fairness Act without amendments that limit its scope or undermine its critical protections.

Despite federal and state equal pay laws, gender pay gaps persist, and earnings lost to these gaps are exacerbating the financial effects of COVID-19, falling particularly heavily on women of color and the families who depend on their income. The Paycheck Fairness Act, which has been passed three previous times by the House of Representatives, mostly recently in the 116th Congress, offers a much-needed update to the Equal Pay Act of 1963 by providing new tools to battle pervasive pay gaps and to challenge discrimination.

Women are increasingly the primary or co-breadwinner in their families and cannot afford to be shortchanged. Women working full-time, year-round are typically paid only 82 cents for every dollar paid to men, adding up to a loss of more than \$400,000 over a lifetime. This wage gap varies by race and is larger for many women of color: Black women working full time, year round typically make only 63 cents, Native American women only 60 cents, and Latinas only 55 cents, for every dollar paid to their white, non-Hispanic male counterparts. Latinas lose more than \$1 million over a 40-year career due to the wage gap. While Asian American and Pacific Islander (AAPI) women make 85 cents for every dollar paid to white, non-Hispanic men, many AAPI communities experience drastically wider pay gaps. Mothers typically make only 75 cents for every dollar paid to fathers. And even when controlling for factors, such as education and experience, pay gaps persist and start early in women's careers and contribute to a wealth gap that follows them throughout their lifetimes. Persistent pay discrimination, often cloaked by employer-imposed pay secrecy policies, is one factor driving these wage gaps.

These pay gaps can be addressed only if workers have the legal tools necessary to challenge discrimination and employers are provided with effective incentives and technical assistance to comply with the law.

The Paycheck Fairness Act updates and strengthens the Equal Pay Act of 1963 to ensure that it provides robust protection against sex-based pay discrimination. Among other provisions, this comprehensive bill:

ends secrecy around pay by barring retaliation against workers who voluntarily discuss or disclose their wages, and requiring employers to report pay data to the EEOC

prohibits employers from relying on salary history in determining future pay, so that pay discrimination does not follow women from job to job

closes loopholes that have allowed employers to pay women less than men for the same work without any important business justification related to the job

ensures women can receive the same robust remedies for sex-based pay discrimination that are currently available to those subjected to discrimination based on race and ethnicity

provides much needed training and technical assistance, as well as data collection and research

The COVID-19 pandemic and systemic racism have exposed how the work performed primarily by women, and particularly Black and brown women, has long been and continues to be undervalued and underpaid, even as the rest of the country is newly recognizing the essential nature of this work. We cannot build back an economy that works for everyone without ensuring that all women can work with equality, safety, and dignity, starting with pay equity. Passing the Paycheck Fairness Act would mark a vitally important step toward ensuring this becomes reality.

We urge you to pass the Paycheck Fairness Act without harmful amendments that weaken its critical protections.

Sincerely,

EMILY J. MARTIN,
Vice President for
Education & Work-
place Justice.

MAYA RAGHU,
Director of Workplace
Equality & Senior
Counsel.

Mr. CICILLINE. Mr. Speaker, I urge my House colleagues to vote for this package and close the gender wage gap once and for all.

Ms. FOXX. Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE of California. Mr. Speaker, I thank Chairwoman DELAURO for her persistent leadership for so many years, as well as Chairman SCOTT and the Speaker.

We must put an end to the wage gap and pay discrimination. Let me tell you, as you have heard, the wage gap for women of color is so much worse.

I am reminded today of our heroine, Fannie Lou Hamer. She said, "I am sick and tired of being sick and tired."

Black women earn 63 cents, indigenous women earn 60 cents, Latinas earn 55 cents, White women earn 82 cents, and AAPI women are paid as little as 52 cents on every dollar paid to the White man. That is outrageous.

Mr. Speaker, I include in the RECORD a letter from the Equal Pay Today! campaign urging Members to support the bill.

EQUAL PAY TODAY,
April 14, 2021.

Re Pass the Paycheck Fairness Act (H.R. 7) and vote no on harmful amendments.

DEAR REPRESENTATIVE(S): As the House votes on the Paycheck Fairness Act (H.R. 7), we strongly urge you to pass the Paycheck Fairness Act, H.R. 7, without amendments that would limit its scope or undermine its critical protections.

As members of the Equal Pay Today Campaign, we represent a broad coalition consisting of both national and state based organizations from all across the country, that are dedicated to challenging the legal, policy, and cultural barriers at the local, state, and national level that keep women from being paid equally. Launched on the 50th anniversary of the signing of the federal Equal Pay Act, we are committed to fighting and advocating for legislation that will ultimately close the gender wage gap.

With our nation now entering into year two of this global pandemic, we can no longer ignore the disparities that have existed long before our nation's shutdown, and

despite federal and state equal pay laws, the gender pay gap persists, and earnings lost to these gaps are widened due to the financial impacts of the pandemic, with a heavier burden bared by women of color and the families and communities who depend on them and their income.

Women are increasingly becoming the primary or co-breadwinner in their families, with Black mothers being far more likely than other mothers to be the primary or sole breadwinners for their families and more than half of Latina mothers being the breadwinner in families with children under 18. Women across this country, working full-time, year-round, are typically being paid only .82 cents for every dollar paid out to men, adding up to a loss of more than \$400,000 dollars over a lifetime. And the wage gap gets even wider as race is factored in. Black women working full time, year round typically make only .63 cents, Native American women only .60 cents, and Latinas only .55 cents, for every dollar paid to their white, non-Hispanic male counterparts. Latinas stand to lose more than \$1 million over a 40-year career due to the wage gap, and while Asian American and Pacific Islander (AAPI) women make .85 cents for every dollar paid to white, non-Hispanic men, many AAPI communities experience drastically wider pay gaps. And even when controlling for factors, such as education and experience, the pay gaps still persist, start early in women's careers and contribute to a wealth gap that follows them throughout their lifetimes.

These pay gaps can be addressed and rectified through legislation that offers workers the legal tools and safeguards needed to challenge discrimination. The Paycheck Fairness Act, which has already been passed by the House of Representatives three times before and most recently by the 116th Congress, would offer the much needed updates to the Equal Pay Act of 1963 by making these tools available while also providing new ones, that would help to combat and challenge discrimination and the pay gap.

The Paycheck Fairness Act updates and strengthens the Equal Pay Act of 1963 to ensure that it provides robust protection against sex-based pay discrimination. Among other provisions, this comprehensive bill:

- ends secrecy around pay by barring retaliation against workers who voluntarily discuss or disclose their wages, and requiring employers to report pay data to the EEOC
- prohibits employers from relying on salary history in determining future pay, so that pay discrimination does not follow women from job to job
- closes loopholes that have allowed employers to pay women less than men for the same work without any important business justification related to the job
- ensures women can receive the same robust remedies for sex-based pay discrimination that are currently available to those subjected to discrimination based on race and ethnicity
- provides much needed training and technical assistance, as well as data collection and research

This past year has undoubtedly been a challenging one. The pandemic has shone a light on how the work performed by women, specifically Black and brown women, has continuously been undervalued, underpaid, and gone unnoticed. We cannot continue to use the word "essential" to describe the nature of this work, if there is no commitment to ensuring that all women can work with safety and with dignity, and the first step to making this happen, starts with pay equity, and the catalyst for this would be the passing of the Paycheck Fairness Act.

We urge you to pass the Paycheck Fairness Act without harmful amendments that weaken its critical protections.

Thank you for your time and consideration.

Sincerely,

EQUAL PAY TODAY.

Ms. LEE of California. Mr. Speaker, let me finally say: Remember, because of this discrimination, women's Social Security benefits during their senior years are much lower than men. This injustice follows women throughout their lives. This issue impacts women, regardless of industry, education level or political party. It is past time—it is so past time for Congress to take action on this.

Mr. Speaker, I urge my colleagues to vote "yes."

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 7 would create impossible conditions in which to operate for businessowners large and small. It would result in endless litigation in front of judges and juries, who will delve into employer compensation decisions even when there has been a showing that those decisions are not based on sex.

Alternatively, businessowners will simply decide not to risk liability of unlimited damages, which could bankrupt them, and the end result will be the use of pay bands by employers, which imposes a government civil service model on the private sector that will result in everyone in the workplace being compensated equally without regard to merit.

This is a very broad goal of liberals in general: Pay everybody the same and stifle innovation, stifle initiative, stifle anybody being different.

This is the wrong thing for our country. That is not the way the United States of America operates. We value innovation, we value entrepreneurship, we value independent thinking. We don't want to crush everybody into thinking the same way. That is the way civil service works. That is the way the unions work. That is not the way it should be in private industry, which has made this country great.

This bill stalls upward mobility. It hurts all employees striving to succeed on the job, who want to be rewarded for their efforts.

For these reasons and others, H.R. 7's provisions are unworkable and will benefit only trial lawyers, not innovative, hardworking workers.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the distinguished Speaker of the United States House of Representatives.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding and for his leadership in bringing this important legislation to the floor of the House.

This is about building back better with women, not stifling innovation and entrepreneurship, but reaping the benefits of all that women have to offer in our country.

Mr. Speaker, nearly 60 years ago, President John F. Kennedy signed the

Equal Pay Act into law, lauding it as "a measure that adds to our laws another structure basic to democracy."

Today, I rise in support of a similarly momentous measure for our democracy, the Paycheck Fairness Act, which will strengthen that law and reaffirm this pledge: equal work deserves equal pay.

We all salute Chairwoman ROSA DELAURO, the guardian angel of this legislation, and so much of what Democrats' work on behalf of women and families. Chairwoman DELAURO is relentless, introducing this bill in each of the last 13 Congresses and securing bipartisan support and the support of the entire House Democratic Caucus. And now, because of her leadership, we have a chance for it to become law.

Many of us, with Chair DELAURO at the helm, have helped lead the charge for equal pay for many years now. Twelve years ago, House Democrats passed the Lilly Ledbetter Fair Pay Act to protect women's right to challenge unfair pay in the courts. We are proud that President Obama made this bill the first bill he signed into law. You talked about it earlier, Mr. Chairwoman.

Exactly 10 years later, when Democrats retook the majority, we were honored to stand with Lilly Ledbetter, that courageous woman, as we took another step forward for pay equity by again introducing Congresswoman DELAURO's bill, the Paycheck Fairness Act.

Today, a Democratic Congress led by over 120 women in the House; with an administration led by President Biden, a longtime champion of women; and the first woman Vice President, KAMALA HARRIS; and with a record number of women in the Cabinet, those are great advances for women.

We will pass this landmark bill once more, send it to the Senate, and then, hopefully, to President Biden to sign into law.

I am the mother of four daughters. I don't know anybody who has a daughter, a wife, a sister, a mother who can say to them, You are not worth it; your time is not worth the time of your brother, your father, your whoever else.

What father, brother or son would not want the women in their lives to have equal pay?

Sadly, equal pay is not yet a reality in America. Nearly six decades after the passage of the Equal Pay Act, women working full time year round are paid only 82 cents for every dollar paid to men.

And for women of color, the disparity is even greater. It is almost sinful. For Black women, it is 63 cents; Native Hawaiian, Pacific Islander, American Indian, and Alaska Native women, 60 cents; and a Latina is making just 55 cents for every dollar for the same work as men.

Equal work, equal hours, equal efforts, but not equal pay. And this is not just about cents on a dollar. This pay

gap can add up to about \$400,000 in lost wages over a career.

What does that mean to a woman's pension?

At the same time, the need for action has been accelerated by the pandemic, which has worsened economic disparities for women. Last year, women lost a net 5.4 million jobs during the recession, with losses disproportionately experienced by women of color.

This unjust, uneven toll on women is expected to widen the wage gap by up to 5 percentage points. Widen the gap by 5 percentage points, even as the economy recovers.

As the House passes this landmark legislation, let us stand proudly, unapologetically for what this does for the economy of our country. We continue to work to advance progress for women and families. With the strong support of President Biden, the House Democrats are proud to have passed and sent to the Senate our bipartisan VAWA reauthorization led by Congresswoman SHEILA JACKSON LEE; legislation to remove the arbitrary deadline for ERA ratification led by Congresswoman JACKIE SPEIER; and to have enacted the American Rescue Plan, which is helping many women to return to the workforce.

□ 1330

And we will continue this drumbeat of action ensuring that the Senate passes the Paycheck Fairness Act and advancing legislation to strengthen women's access to childcare, healthcare, workplace safety, and more.

And as we move forward to "build back better," President Biden's alliterative phrase for how we have job creation in our country, we can only build back better if women are central to that effort. Advancing an economy in a country that works for all of the people in America is very important to America's families and America's children.

I urge a strong and, hopefully, bipartisan vote on H.R. 7, the Paycheck Fairness Act. Fairness is an all-American quality. Fairness for women is essential because we know that when women succeed, America succeeds.

I thank Congresswoman DELAURO and Chairman SCOTT for their leadership.

Ms. FOXX. Mr. Speaker, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. MEUSER).

Mr. MEUSER. Mr. Speaker, I thank Ms. FOXX very much for yielding. I appreciate the opportunity to speak, Mr. Speaker.

All Americans, men and women, should be treated equally and receive equal pay for equal work. I happen to be the father of two daughters, and I will do everything in this House to ensure that that continues to be the case and is, in fact, the case.

If this truly were an Equal Pay Act, Mr. Speaker, I think we would have a bipartisan initiative here. We would have bipartisan agreement. The prob-

lem is this is not what it is, Mr. Speaker, it goes well beyond dealing with equal pay.

What it does is it provides equal pay for as many attorneys and trial lawyers as possible. And therein lies the problem. Once again, we have what looks like legitimate legislation that sounds good and feels good, Mr. Speaker, yet when you look at the details, it is far left extremism, which poisons the legislation and doesn't allow reasonable Members like myself to be supportive.

And this isn't the first time. This occurs very often, and it is the reason why we don't get things done, nor do we get bipartisan cooperation. Because cooperation is the way that we will achieve and complete bills of importance, particularly that are named equal pay for all, equality for all.

That is what our goal is. It would be great if a bill like this had the substance that provided the ingredients to provide for equal pay.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Maryland (Mr. HOYER), the majority leader of the United States House of Representatives.

Mr. HOYER. Mr. Speaker, I thank the gentleman from Virginia, the chairman of the Education and Labor Committee for yielding, and I thank him for his untiring work.

"No employer . . . shall discriminate, within any establishment in which such employees are employed, between employees on the basis of sex, by paying wages to employees in such establishment at a rate less than the rate at which he pays wages to employees of the opposite sex."

That was passed by the Congress of the United States, signed by the President of the United States in 1963. A half a century later, Mr. Speaker, the figures belie that promise. The figures are a shameful recognition of the emptiness of that promise.

Now, I know the gentlewoman from North Carolina, not well, but well enough. We have served here together for some period of time. I hope she will take this with a measure of positivity. She is a feisty lady. She stands up for what she believes. And she is tough. All those things are said lovingly. God help us if they paid her less than they paid every male Member of this House.

But we don't. We pay everybody the same, except, I will admit, the Speaker and myself, so perhaps I am not quite as detached. But everybody else gets the same. A person who comes in the first day gets paid as much as a person who has been here 40 years like me. Why? Because it is the responsibility and duties that we perform that are being compensated, not our gender.

Now, in this bill and every other bill that has dealt with equal pay—however, let there be no mistake, clearly, I pay people in my office who have been there for 10 years more than I pay people that have been there a year if they are doing the same thing. Period. Experience counts.

As a lawyer when I ran my law office, I paid people differently based upon their experience, their education, and other differentials, but not on the basis of gender. And like the gentleman who spoke before me, I have one more daughter than he has; he has two daughters, I have three daughters. Mr. Speaker, they would not be happy today if their dad came to this floor and voted against this bill, I will tell you that. I don't know about the gentleman's daughters, but I can tell you where my daughters would be.

Mr. Speaker, I am proud to bring the Paycheck Fairness Act to the floor, as I did last Congress. The legislation is a critical part of Democrats' effort to close the gender pay gap and ensure that women earn equal pay for equal work. Lilly Ledbetter did not get equal pay for equal work. Period. Unfortunately, she was prevented by the Supreme Court from making her case. We corrected that.

The House passed a bill in 2019, but the Republican-controlled Senate failed to do the same, a bill just like this. That was very disappointing, not only to those of us who have been working hard to close the gender pay gap in Congress, but more so to the tens of millions of people in the workforce who deserve to take home pay they have earned. This is not a gift. This is compensation based upon ability and contribution, not on gender.

In America today, a woman still earns on average just 82 cents to every dollar earned by a man. Mr. Chairman, has that been disputed on this floor? From women of color it is even worse. African-American women earn on average only 63 cents to the dollar, while Latinas see 55 cents for the same work.

For women who work full time, year-round, the gender pay gap represents a loss of more than, as the Speaker just said, \$400,000. That ought to be unacceptable to all of us if we believe in equality.

This disparity does not only hurt women, it disadvantages their entire families, with women's pay critical to household incomes.

Two-thirds of women are now either the primary breadwinner or co-breadwinner of their households, and women's earnings are the main source of income in more than 4 in 10 households, 40 percent.

Now, the gentlewoman from North Carolina knows full well that historically we have underpaid women because we thought men were the breadwinners. They were the people who earned the money. They were the people who needed money so they could support their families. That is not true today, if it was ever true. Those households ought not to be disadvantaged because women are paid less for the same work as their male counterparts.

I mentioned in 1963 the promise we made as a Nation. In 2009, when I was majority leader for the first time, I was proud to bring the Lilly Ledbetter Fair Pay Act to the floor and get it passed.

I congratulate ROSA DELAURO who is on the floor today, Mr. Speaker. She has been indefatigable and focused and untiring—I suppose that is redundant—in her efforts to ensure that women were treated equally. And one of the best ways to treat people equally is pay them the same thing for the same job.

The Paycheck Fairness Act builds on its success by making it harder for businesses to hide the underpayment of women in their employ through non-disclosure contracts and imposing new civil penalties for those who violate equal pay rules, among other beneficial provisions.

Now, this has been in effect for half a century, and we haven't gotten there. Do we need some, yeah, let's get it done, this is what the law said in 1963? And we really meant it. So let's carry that out so when the bipartisan, non-partisan reports are made as to who is making what for the same job, it will come back men and women are getting the same pay for the same job with the same skills and the same seniority.

I hope the Senate will take up this long overdue legislation and pass it so President Biden can sign it into law and at long last make good on the promise of the Equal Pay Act nearly six decades ago.

I thank my friend, as I just did, ROSA DELAURO for the work she has done. I thank Ms. DELAURO on behalf of Susan, on behalf of Stefany, on behalf of Anne, my daughters, on behalf of Judy and Ava and Brooklyn and Savannah, my three great granddaughters and my granddaughter. What she has done, what we can do will make a difference for them, their families, and our country.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

I thank the majority leader for his compliments of me. When Howard Coble first introduced me to the Republican Conference here he said, I was “a feisty mountain woman from the Blue Ridge, who goes bear hunting with a switch.” And so I have cherished that description of me over the years. I am a feisty woman because I grew up extraordinarily poor.

And the majority leader is correct, I would not tolerate discrimination against me. I won't tolerate discrimination against anyone. I abhor discrimination. I am also an Italian American. I abhor that kind of discrimination and have fought against that. I fought against racial discrimination. I doubt there are many people in this body that fought more against discrimination against women than I have or mentored more women than I have.

However, the majority leader also said something that made me think of the phrase, “all things being equal.” Well, rarely are all things equal. Obviously, when all things are equal, we want no discrimination, everybody to be treated the same. That is what I want.

I have one child, a daughter. I have two grandchildren, a grandson and a

granddaughter. I certainly don't want either one of them discriminated against on the basis of anything.

But, I say to Mr. HOYER, yes, 82 cents has been disputed. We hear the same old tired “statistics.” They are not accurate. So let's stop doing that. Let's deal with the facts.

H.R. 7 is not the answer to discrimination. It is going to make it more difficult for employers to create jobs and to pay women and everybody equally. We need alternatives and we have one.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, may I inquire as to the time remaining on both sides, please?

The SPEAKER pro tempore (Mr. MCEACHIN). The gentleman from Virginia has 9¼ minutes remaining. The gentlewoman from North Carolina has 4½ minutes remaining.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan (Mrs. LAWRENCE), a co-chair of the Democratic Women's Caucus.

□ 1345

Mrs. LAWRENCE. Mr. Speaker, it is beyond me that in 2021 we are still having this debate on whether men and women are paid equally. And I just want to say to my colleague on the other side, being a Black woman in America, I can tell you I do not feel that she has had the discrimination and the disrespect in the pay scale that women of color have experienced. And during the brunt of this pandemic where women are in the forefront, those who are frontline workers, the service industry—predominantly women. Paycheck fairness corrects this injustice by allowing women to challenge pay discrimination and hold employers accountable.

Many in this Chamber like to talk about leveling the playing field for all Americans. Then let's do it by passing this bill. And in America, when you walk in the room as a woman, you know you have overcome and you have work to do. And please don't continue to disrespect us by saying that everything is okay. In your world it may be, but today we can correct that.

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

Ms. FOXX. Mr. Speaker, I have never said everything is perfectly okay. I said this bill is not the answer to what issues may still exist out there.

Mr. Speaker, I yield 1 minute to the gentlewoman from Iowa (Mrs. MILLER-MEEKS), and applaud her for how she has handled herself in the past few months through all the turmoil and all of the challenges she has had.

Mrs. MILLER-MEEKS. Mr. Speaker, I include in the RECORD a letter from the National Federation of Independent Businesses opposing H.R. 7.

NFIB,

Washington, DC, March 24, 2021.

Hon. BOBBY SCOTT,
Chairman, Committee on Education and Labor,
House of Representatives, Washington, DC.
Hon. VIRGINIA FOXX,
Ranking Member, Committee on Education and Labor,
House of Representatives, Washington, DC.

DEAR CHAIRMAN SCOTT AND RANKING MEMBER FOXX: On behalf of NFIB, the nation's leading small business advocacy organization, I write in opposition to H.R. 7, the Paycheck Fairness Act. This legislation will add significant burdens to small businesses and potentially expose them to frivolous lawsuits.

NFIB and its members believe in equal pay for equal work. However, NFIB does not believe that this legislation is the solution. H.R. 7 will make legitimate business-related pay differences difficult to defend in court, invite frivolous lawsuits against small business owners by allowing unlimited compensatory and punitive damages in equal pay lawsuits, and significantly increase small business paperwork burdens.

This legislation would make it nearly impossible for a small employer to defend against claims where an “alternative employment practice” exists and could serve the same business purpose without producing a wage differential. Even if an employer were to demonstrate that a legitimate factor such as education, training, or experience accounted for a wage differential, an employee could claim that an “alternative employment practice” existed and that the employer refused to adopt such a practice. For example, an employee of a small, local hardware store would be able to sue an employer for refusing to adopt a business practice that a much larger company uses to address wage discrepancies. Forcing one-size-fits-all legislation on small, independent businesses puts them at a significant disadvantage relative to their larger competitors. A small business may have legitimate reasons for not adopting the practices of a large business. However, if an employee can prove that the independent business refused to adopt the “alternative employment practice” of a large competitor, the small business automatically loses the suit.

This legislation also prohibits an employer from asking a prospective employee about wage history and prohibits an employer from relying on wage history in determining wages. These prohibitions create a very difficult situation for small business owners. A person's written resume is only one aspect of the application process; a person's salary history is another essential part of gauging professional growth and development. If the needs of a prospective employee and the wants of a business do not match, the prospective employee and the business should be able to discern this sooner rather than later to avoid wasting each party's time and energy. By eliminating salary history, the hiring process becomes less precise and more difficult for small employers.

This bill also puts significant paperwork burdens on small business owners. It requires the Equal Employment Opportunity Commission (EEOC) to issue regulations providing for the collection of employers' compensation data. Most small business owners do not have a human resources department or a full-time staff member in charge of reporting and compliance. NFIB members find unreasonable government regulations to be their sixth biggest problem and federal paperwork to be their 15th biggest problem when ranking their top 75 problems and priorities.

NFIB strongly opposes H.R. 7, the Paycheck Fairness Act, urges the committee to oppose the legislation in its current form.

Sincerely,

KEVIN KUHLMAN,
Vice President,
Federal Government Relations.

Mrs. MILLER-MEEKS. Mr. Speaker, I am pleased to be able to introduce this as a small business owner myself. The NFIB letter says: H.R. 7 will add significant burdens to small businesses and potentially expose them to frivolous lawsuits. In addition, the bill will make legitimate business-related pay differences difficult to defend in court, invite frivolous lawsuits against small business owners by allowing unlimited compensatory and punitive damages in equal pay lawsuits, and significantly increase small business paperwork burdens.

Moreover, the NFIB letter says that H.R. 7 will make it nearly impossible for a small employer to defend against claims where an alternative employment practice exists and could serve the same business purpose without producing the wage differential.

The letter also highlights the significant paperwork burdens H.R. 7 would place on small businesses who do not have a human resources department, a full-time staff member in charge, or attorneys for reporting and compliance.

Mr. Speaker, having been a small business owner and supported by the small business owners, and during the pandemic when it is so necessary for us to get our small businesses up and operating, I urge my colleagues to take these views of small business owners into consideration before they vote on H.R. 7.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the gentlewoman from North Carolina (Ms. ROSS).

Ms. ROSS. Mr. Speaker, this bill is not just about the past, it is about the future. Gender-based wage discrimination exists in every State and in many industries.

In the tech industry, which has a huge presence in my district in North Carolina's Research Triangle, women typically make thousands of dollars less than men in the same roles. Unsurprisingly, women in tech often leave the industry due to unfair compensation, much to that industry's detriment.

Pay inequity also follows women into retirement. Women have, on average, only 70 percent of the retirement income men have.

One of the best ways we can help close the wage gap is through salary negotiation training, which is one of the key provisions of this bill.

I am thankful to groups like Ladies Get Paid and countless others working to empower women to help them advocate for their work.

I urge my colleagues to support this bill for the sake of future generations.

Mr. Speaker, I include in the RECORD this letter from the National Council of Jewish Women.

NATIONAL COUNCIL OF JEWISH WOMEN,
Washington, DC, April 14, 2021.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of our 180,000 members, advocates, and supporters, National Council of Jewish Women (NCJW) urges you to pass the Paycheck Fairness Act (H.R. 7) without amendments that limit its scope or undermine its critical protections.

NCJW is a grassroots organization of volunteers and advocates who turn progressive ideals into action. Inspired by Jewish values, NCJW strives for social justice by improving the quality of life for women, children, and families and by safeguarding individual rights and freedoms. The Torah compels us *tzedeq, tzedeq tirdof*—to pursue justice. To that end, we advocate for employment laws, policies, and practices that provide equal pay and benefits for work of comparable worth and equal opportunities for advancement.

Nearly 60 years after passage of the landmark Equal Pay Act, the gender wage gap persists. Overall, women earn only 82 cents for every dollar earned by men, and the gap is much wider for women of color (Black women earn 63 cents, Indigenous women earn 60 cents, Latinas earn 55 cents, and some Asian American and Pacific Islander women earn only 52 cents). Earnings lost to these gaps are exacerbating the financial effects of COVID-19, falling particularly heavily on women of color and the families who depend on their income.

The Paycheck Fairness Act, which has been passed three previous times by the House of Representatives, mostly recently in the 116th Congress, offers a much needed update to the Equal Pay Act of 1963 by providing new tools to battle pervasive pay gaps and to challenge discrimination.

We cannot build back an economy that works for everyone without ensuring that all women can work with equality, safety, and dignity, starting with pay equity. Passing the Paycheck Fairness Act would mark a vitally important step toward ensuring this becomes reality. I ask you to vote YES on the Paycheck Fairness Act (H.R. 7) without amendments that limit its scope or undermine its critical protections.

Sincerely,

JODY RABHAN,
Chief Policy Officer,
National Council of Jewish Women.

Ms. FOXX. Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the gentlewoman from Missouri (Ms. BUSH).

Ms. BUSH. Mr. Speaker, on behalf of YWCA USA, I include in the RECORD a letter of support for H.R. 7.

YWCA,
April 13, 2021.

DEAR REPRESENTATIVE: On behalf of YWCA USA, a network of over 200 local associations in 45 states and the District of Columbia, I write today to urge the Representative to support the Paycheck Fairness Act (H.R. 7) and vote no on harmful amendments. As the economy continues to struggle under the weight of the COVID-19 pandemic disproportionately affecting women and marginalized communities, there is no better time to take action to improve the economic security of women and families and strengthen our economy. I urge you to pass this bill without amendments that limit its scope or undermine its critical protections.

For over 160 years, YWCA has been on a mission to eliminate racism, empower women, and promote peace, justice, freedom, and dignity for all. From our earliest days providing skills and housing support to

women entering the workforce in the 1850s, YWCA has been at the forefront of the most pressing social movements—from voting rights to civil rights, from affordable housing to pay equity, from violence prevention to health care reform. Today, we serve over 2 million women, girls and family members of all ages and backgrounds in more than 1,200 communities each year.

Informed by our extensive history, the expertise of our nationwide network, and our collective commitment to advocating for the equity of women and families, we believe that no one should have to choose between their livelihoods and their health, family, or safety. Yet far too women and families, including a disproportionate number of women and families of color, must make this choice every day. This has become more clear as the effects of the COVID-19 pandemic become more transparent. The impact of the pandemic has fallen heavily on women and women of color. Women are especially likely to be essential workers, but they are also bearing the brunt of job losses, while shouldering increased caregiving responsibilities that have pushed millions out of the workforce entirely, resulting in an economic "shesession". Black women, Latinas, and other women of color are especially likely to be on the front lines of the crisis, risking their lives in jobs in health care, child care, and grocery stores, all while being paid less than their male counterparts.

The bipartisan Paycheck Fairness Act (H.R. 7) would help close longstanding gender and racial wage gaps by updating and strengthening the Equal Pay Act of 1963 and ensure robust protections against sex-based pay discrimination. Today, on average, women in the United States earn only 82 cents for every dollar paid to men, amounting to an annual gender wage gap of \$10,157. Unfortunately, this gap is worse for women of color. Among women who hold full-time, year-round jobs in the United States, Black women are typically paid 63 cents, Native American women 60 cents and Latinas just 55 cents for every dollar paid to white, non-Hispanic men. White, non-Hispanic women are paid 79 cents and Asian American women 87 cents for every dollar paid to white, non-Hispanic men, and Asian American and Pacific Islander women of some ethnic and national backgrounds fare much worse. The COVID-19 global pandemic has exposed deepening economic disparities, further unveiling how the work performed primarily by women, and particularly women of color, has long been and continues to be undervalued and underpaid. It is time Congress addressed these deepening disparities and take steps towards real economic change for women by passing the Paycheck Fairness Act. We cannot afford to shortchange women as a result of persistent gender pay gaps and we urge the Representative to pass this bill without delay.

YWCA USA urges the Representative to protect women's economic security and pass the Paycheck Fairness Act (H.R. 7) and take critical steps towards strengthening women's economic security, particularly at a time when the country begins to recover from the COVID-19 pandemic. At this pivotal moment, Congress must take aggressive action to address the economic disparities disproportionately affecting women and women of color. We urge you to pass the Paycheck Fairness Act (H.R. 7) without harmful amendments that weaken its critical protections.

Thank you for your time and consideration.

Sincerely,

ELISHA RHODES,
Interim CEO & Chief Operating Officer.

Ms. BUSH. Mr. Speaker, St. Louis and I rise in full support of H.R. 7, the Paycheck Fairness Act.

As a nurse, I earned around 60 percent of what my White male counterparts in the same position earned. I have often imagined how many people in my district experienced the same burdens, like how much overtime and missing wages we could have accrued every single month.

We have been chronically underpaid and chronically undervalued. I have stood up to fight for underpaid nurses before and I stand here today to fight for underpaid women, especially women of color everywhere.

Pay Black, pay Brown, pay indigenous, pay AAPI women what we're worth. Run us our money and run us our money now.

Ms. FOXX. Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the gentlewoman from Pennsylvania (Ms. DEAN).

Ms. DEAN. Mr. Speaker, I thank Chairman SCOTT for leading and for yielding.

Mr. Speaker, I rise in support of the Paycheck Fairness Act.

It has been more than five decades since the passage of the Equal Pay Act of 1963, yet a woman still earns only 82 cents on average for every dollar earned by her male counterpart. Women of color fare much worse. The Paycheck Fairness Act will ensure equal pay for equal work. It is just that simple and it is just that overdue. Gender and racial pay gaps persist, and earnings lost to these gaps are felt even more during the COVID-19 pandemic. This falls most heavily on women.

The Paycheck Fairness Act will update and strengthen the Equal Pay Act to help close this gap. Pay inequities not only affect women, it affects children and their families. Though we have made strides in the past, we know the issue of equal pay persists.

We must not pass this inequity on. I want my granddaughters, Aubrey and Ella, as well as my grandson, Sawyer, to live in a country where equal pay for equal work is the norm.

I thank chairwoman and champion ROSA DELAURO.

Ms. FOXX. Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan (Ms. TLAIB).

Ms. TLAIB. Mr. Speaker, did you know that over 40 percent of mothers are sole or primary breadwinners for their families? It has been over 50 years since the Equal Pay Act was signed into law, yet the problems that preceded that legislation remain today. So it is time for the Paycheck Fairness Act.

Mr. Speaker, across the country, women are paid 80 cents to the dollar that men are paid, and the number is significantly lower for women of color. Black women make roughly 60 percent to the dollar. Native-American women make about 57 cents. And Latina women make just over 50 to the dollar.

The discriminatory wage gap is costing women thousands of dollars a year for doing the exact same work as their male counterparts. And I see this right here in my community and my district where women are forced to work longer hours, harder, just to make ends meet and put food on the table for their families.

My community is one of the poorest in the Nation, and the wage gap is one of the biggest factors for families who are really trying to get out of the cycle of poverty and get the support for their children so they can thrive.

I am grateful to my colleagues on the Committee on Education and Labor for bringing this long overdue legislation.

Ms. FOXX. Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, I thank the gentleman from Virginia and thank him for his leadership—also, the Speaker and the ranking member.

According to the National Women's Law Center, based on today's wage gap, a woman who works full-time year-round would typically lose \$406,280 over her 40-year career. This means a woman making the median national salary for women would have to work almost 9 years longer than her male counterpart.

Mr. Speaker, 58 years after the enactment of the Equal Pay Act, full-time working women still earn 82 cents on average for every dollar a man earns, amounting to a yearly gap of almost \$20,000. They, too, raise children. They, too, have overhead.

In this pandemic year, we have found that 2 million women have lost their jobs. We know that Hispanic women earn 55 cents, Native-American women 60 cents, and African-American women, on average, only 63 cents.

It is time now to put this paycheck fairness bill on the desk of the President of the United States. It modernizes and strengthens the Equal Pay Act, which is what the Lilly Ledbetter Act was, and brings the country one step closer to ensuring that women can receive equal pay for equal work.

Mr. Speaker, I ask for support of this legislation.

Mr. Speaker, as an original cosponsor, a senior member of the Committees on the Judiciary, on Homeland Security, on the Budget, and a member of the Democratic Working Women's Task Force, I rise in strong support of H.R. 7, the landmark Paycheck Fairness Act, which strengthens and closes loopholes in the 1963 Equal Pay Act, including providing effective remedies for workers who are not being paid equal pay for equal work.

I thank my colleague, the Chair of the Committee on Appropriations, Congresswoman DELAURO, for introducing the Paycheck Fairness Act in every Congress since 1997, which enabled me join her as an original cosponsor all during those years as we fought shoulder to shoulder for women's equality and empowerment.

Mr. Speaker, in January 2009, the Democratic-led 111th Congress sent to the Presi-

dent's desk the Lilly Ledbetter Fair Pay Act, the first bill signed into law by President Obama, which restored the critical rights of workers to challenge unfair pay in court.

Now, a Democratic-led House will push for enactment of another critical fair pay bill—the Paycheck Fairness Act that strengthens current law.

When House has been controlled by a Democratic majority, the Paycheck Fairness Act has passed several times—including in the 110th Congress, the 111th Congress, and the 116th Congress, when it passed by a bipartisan vote of 242 to 187 on March 27, 2019, before dying in then-Senate Majority Leader MCCONNELL's legislative graveyard.

This is the year to finish the job and send this critical legislation all the to President Biden's desk for signature.

Mr. Speaker, as every woman Member of Congress knows, as our mother, sisters, daughters, and sorors in the workplace know all too well, the impact of the wage gap grows throughout a woman's career.

According to the National Women's Law Center, based on today's wage gap, a woman who worked full-time, year-round would typically lose \$406,280 over a 40-year career.

This means a woman making the median national salary for women would have to work almost nine years longer than her male counterpart to make up this lifetime wage gap.

Mr. Speaker, 58 years after the enactment of the Equal Pay Act, full-time working women still earn just 82 cents, on average, for every dollar a man earns, amounting to a yearly gap of \$10,157 between full-time working men and women.

The wage gap is also even larger for women of color.

Hispanic women on average earn only 55 cents for every dollar paid to white, non-Hispanic men.

Native American women on average earn only 60 cents for every dollar paid to white, non-Hispanic men.

African American women on average earn only 63 cents for every dollar paid to white, non-Hispanic men.

The National Partnership for Women and Families has calculated that \$10,157 for a median family in America means more than 9 additional months of rent or 13 additional months of childcare.

Indeed, if women were paid the same as men, the poverty rate for all working women would be cut in half and the poverty rate for working single mothers would be cut by nearly half.

Because of loopholes in the law and weak sanctions for violations, the Equal Pay Act of 1963 has not provided the tools to truly combat unequal pay.

The Paycheck Fairness Act modernizes and strengthens the Equal Pay Act and brings the country one step closer to ensuring that women receive equal pay for equal work in the following ways:

1. Requires employers to prove that pay disparities exist for legitimate, job-related reasons and puts the burden on employers to show the disparity is not sex-based, but job-related and necessary;

2. Bans retaliation against workers who voluntarily discuss or disclose their wages;

3. Ensures women receive the same robust remedies for sex-based pay discrimination available to those subjected to discrimination based on race and national origin;

4. Removes obstacles in the Equal Pay Act to facilitate a wronged worker's participation in class action lawsuits that challenge systemic pay discrimination;

5. Makes improvements in the Equal Employment Opportunity Commission's (EEOC's) and the Department of Labor's tools for enforcing the Equal Pay Act;

6. Provides assistance to all businesses to help them with their equal pay practices, recognizes excellence in pay practices by businesses, and empowers women and girls by creating a negotiation skills training program; and

7. Prohibits employers from seeking salary history in determining future pay, so that pay discrimination does not follow women from job to job.

Finally, equal pay is not simply a women's issue, but a family issue.

Two-thirds of mothers are either the sole breadwinner or a co-breadwinner in the household, so their earnings are vital to their families.

When women bring home less money each day, it means they have less for the everyday needs of their families—groceries, rent, childcare, and doctors' visits.

The Paycheck Fairness Act is strongly endorsed by a coalition of more than 200 organizations, including AAUW, National Women's Law Center, National Partnership for Women and Families, National Organization for Women, National Committee on Pay Equity, MomsRising, UltraViolet, Center for Law and Social Policy, The Leadership Conference on Civil and Human Rights, NAACP, League of Women Voters, U.S. Women's Chamber of Commerce, AFL-CIO, SEIU, United Steelworkers, AFSCME, American Federation of Teachers, National Education Association, International Association of Machinists and Aerospace Workers, American Psychological Association, Anti-Defamation League, and many more.

I urge all members to join me in voting to pass H.R. 7, the Paycheck Fairness Act of 2021, to ensure effective remedies for workers who are not being paid equal pay for equal work.

Ms. FOXX. Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I am prepared to close, and I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself the balance of my time. Women, in terms of employment and pay, have made great strides in this country. When I was graduating from high school, basically there were three open professions for women: nursing, teaching, and being a secretary. We have come a long way. We have also come a long way in terms of wages.

Do we have ways to go in this country in terms of the way everybody thinks about people who are different from them? We certainly do. Republicans and Democrats both agree that pay discrimination is repugnant and illegal. I will say it again and again. It is repugnant and illegal.

Despite misguided claims from the other side, this underlying principle is not up for debate. Women should not be paid less than men for equal work.

However, Republicans are not in the business of passing radical and pre-

scriptive bills just to get flashy headlines and score cheap political points.

We are equally committed to promoting both fairness and strong policy-making, and when judged by these standards, today's bill falls woefully short. Pay discrimination is illegal.

You know, we have really heard nothing about the inadequacies of the current law or the current processes. What we have heard is that we need new legislation. Republicans disagree with that. Again, we want pay discrimination to be illegal and we want any such cases to be treated seriously and to be looked at. This bill offers no new protection against pay discrimination in the workplace, however. And that is sorely lacking in this bill.

Mr. Speaker, H.R. 7 is nothing more than a trial lawyer payout at the expense of hardworking women. I urge a "no" vote, and I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this is a critical time to secure equal pay for equal work. Over the past year, the COVID-19 pandemic has driven over 2 million women out of the workforce. As women return to the workplace, failure to strengthen the equal pay protections will exacerbate and entrench the gender wage gap for years to come.

Mr. Speaker, we all know that discrimination exists. The Paycheck Fairness Act will allow victims the tools they need to combat and also close loopholes that allows employers to escape liability for discriminatory pay differences.

Today, we are talking about financial security for millions of families. Sixty-four percent of mothers are either the sole family breadwinner or co-breadwinner. We cannot continue to allow gender-based pay inequity to rob half of all workers and their families the wages they deserve.

The Paycheck Fairness Act is our chance to finally help close the gender wage gap by reinforcing the Equal Pay Act and strengthening protections for working women. The bill would ensure that gender equality on the job is not an aspiration but a reality.

Madam Speaker, I ask our colleagues to support the legislation, and I yield back the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I have strongly supported the Paycheck Fairness Act and have done so for over two decades.

When the legislation finally got a vote in the House in 2008, I voted "yes" I voted "yes" again in 2009 and 2019. I have cosponsored the Paycheck Fairness Act since 2015.

In January, I again enthusiastically cosponsored H.R. 7—the Paycheck Fairness Act.

In late March, however, H.R. 7 was radically altered during markup in the Education and Labor Committee with a new definition of "sex" that according to serious legal analysis will compel employers to subsidize abortion on demand.

Because I respect the inherent dignity and value of unborn baby girls and boys who will

be put at grave risk of death by dismemberment abortion and chemical poisoning if H.R. 7 is enacted in its current form, I will vote "no" today.

In a letter dated April 14, the United States Conference of Catholic Bishops said: "H.R. 7 would amend the Fair Labor Standards Act (FLSA). The FLSA, among other things, prohibits unequal wages between men and women performing equal work. 29 U.S.C. § 206(d)(1). Wages include all forms of remuneration, including "fringe benefits" such as "medical, hospital, [and] accident . . . insurance," "life insurance," "retirement benefits," and "leave." 29 C.F.R. 1620.10, 1620.11.

"Strengthening federal law to ensure equal compensation for equal work as between men and women is a laudable legislative goal, and we heartily endorse that goal . . . Unfortunately, H.R. 7 has moved in a different direction . . . We believe that if the bill were to pass, the Fair Labor Standards Act could be construed to require employers, including even religious organizations, to cover and pay for abortions . . . we urge members to oppose the redefinition of sex in H.R. 7 and instead revert to the version of the bill that passed the House in the 116th Congress."

The National Right to Life Committee opposed the redefinition of "sex" and opposes the bill. They said in a letter: "H.R. 7 makes definitional changes to sex to include pregnancy, childbirth, or a related medical condition. It is well established that abortion will be regarded as a "related medical condition." See 29C.F.R.pt.1604 App.(1986) and Doe v. CARS Protection Plus, Inc., 527F.3d 358 (3dCir.2008).

"Historically, when Congress has addressed discrimination based on sex, rules of construction have been added to prevent requiring funding of abortion. Since there is no rule of construction that would make this legislation abortion-neutral, it is likely that H.R. 7 could be used to sue employers for a lack of elective abortion coverage."

In like manner, the Susan B. Anthony List opposes the bill noting that H.R. 7 amends the Fair Labor Standards Act of 1938 by adding "pregnancy childbirth, or a related medical condition" to the definition of "sex," which courts have interpreted broadly to include abortion."

Other pro-life organizations urged a "no" vote including March for Life Action.

Madam Speaker, underscoring my commitment to the legislation without the redefinition of the term "sex", yesterday I introduced H.R. 2490—the Paycheck Fairness Act with the identical H.R. 7 language from January.

H.R. 2490 is needed to ensure that the noble goals embedded in the landmark law, the Equal Pay Act of 1963, are achieved.

Among its provisions H.R. 2490:

Prohibits employers from seeking the salary history of prospective employees. By banning reliance on salary history in determining future pay, the bill ensures that prior pay discrimination doesn't follow workers from job to job.

Bans retaliation against workers who discuss their wages.

Improves research on the gender pay gap. The bill instructs DOL to conduct studies and review available research and data to provide information on how to identify, correct, and eliminate illegal wage disparities.

Requires the collection of wage data from federal contractors and directs the Equal Employment Opportunity Commission (EEOC) to

conduct a survey of available wage information and create a system of wage data in order to help the Department of Labor uncover wage discrimination.

Provides a small business exception. The Equal Pay Act and the Fair Labor Standards Act have an exemption for small businesses that generate less than \$500,000 in annual revenues a year, and the Paycheck Fairness Act would keep that exemption intact.

Supports small businesses with technical assistance.

Provides assistance to all businesses to help them with their equal pay practices, recognize excellence in pay practices by businesses, and empower workers by creating a negotiation skills training program.

I include in the RECORD the following letters of opposition.

UNITED STATES CONFERENCE
OF CATHOLIC BISHOPS,
Washington, DC, April 14, 2021.

DEAR REPRESENTATIVE: We write to raise pro-life and other concerns about the Paycheck Fairness Act, H.R. 7.

H.R. 7 would amend the Fair Labor Standards Act. The FLSA, among other things, prohibits unequal wages between men and women performing equal work. 29 U.S.C. §206(d)(1). Wages include all forms of remuneration, including “fringe benefits” such as “medical, hospital, [and] accident . . . insurance,” “life insurance,” “retirement benefits,” and “leave.” 29 C.F.R. §§1620.10, 1620.11.

Strengthening federal law to ensure equal compensation for equal work as between men and women is a laudable legislative goal, and we heartily endorse that goal. See *Economic Justice for All*, no. 167 (1986), (“Particular attention is needed to achieve pay equity between men and women”); *Compendium of the Social Doctrine of the Church*, no. 295 (2004) (“An urgent need to recognize effectively the rights of women in the workplace is seen especially under the aspects of pay, insurance and social security.”); Pope Francis, *Audience with Delegates from the Confederation of Trade Unions in Italy* (June 28, 2017) (“And what I am about to say may seem obvious, but in the world of work women are still in second class. You might say, ‘No, but there is that businesswoman, that other one . . .’; yes, but if women earn less, are more easily exploited . . . do something.”). Indeed, Congress could do more in this area.

Unfortunately, H.R. 7 has moved in a different direction. On March 24, the House Committee on Education and Labor marked up the bill to redefine the term “sex” to include such items as “sex stereotypes,” “pregnancy, child birth, or a related medical condition,” “sexual orientation,” “gender identity,” and “sex characteristics, including intersex traits.”

H.R. 7’s redefinition of sex in the FLSA is seriously problematic. We believe that if the bill were to pass, the FLSA could be construed to require employers, including even religious organizations, to (a) cover and pay for abortions, contraceptives, and gender transition procedures in their health plans (b) treat same-sex civil marriages as equivalent to traditional marriages in the provision of spousal benefits, and (c) facilitate abortions and gender transition procedures by providing paid leave for that purpose as part of existing paid leave programs. In this way, the bill would require many religious organizations to be involved in and to approve things they sincerely believe are wrong.

Some may argue that Title VII already imposes all or some of these requirements. That argument—in addition to rendering the redefinition of “sex” in this bill seemingly

redundant in whole or in part—overlooks the fact that Title VII has religious exemptions and abortion-neutral language that are not found in the FLSA. The Supreme Court has put off to another day the resolution of the question of exactly how the sex discrimination provisions of Title VII intersect with the religious convictions of employers. *Bostock v. Clayton County*, 140 S. Ct. 1731, 1753–54 (2020). H.R. 7 would raise a similar question but in a different statutory setting, one in which the critical religious exemptions and abortion-neutral language of Title VII are entirely missing.

For these reasons, we urge members to oppose the redefinition of sex in H.R. 7 and instead revert to the version of the bill that passed the House in the 116th Congress.

Sincerely,

HIS EMINENCE TIMOTHY
CARDINAL DOLAN,
Archbishop of New
York, Chairman,
Committee for Religious
Liberty.

MOST REVEREND PAUL S.
COAKLEY,
Archbishop of Oklahoma City, Chairman,
Committee on Domestic Justice
And Human Development.

MOST REVEREND JOSEPH F.
NAUMANN,
Archbishop of Kansas City in Kansas,
Chairman, Committee on Pro-Life
Activities.

MOST REV. DAVID A.
KONDERLA,
Bishop of Tulsa,
Chairman, Subcommittee for the
Promotion, and Defense of Marriage.

NATIONAL RIGHT TO
LIFE COMMITTEE, INC.,
Alexandria, VA, April 13, 2021.

Re In Opposition to the Paycheck Fairness Act (H.R. 7).

DEAR REPRESENTATIVE: This week, the House will consider the Paycheck Fairness Act (H.R. 7). While the legislation is meant to address potential discrimination regarding the gender pay gap, the legislation was amended to contain language that could be construed to require employers to cover elective abortion in their healthcare benefits.

Because of this change, National Right to Life urges you to oppose the bill and reserves the right to include a House roll call on this measure in our scorecard of key pro-life votes of the 117th Congress.

H.R. 7 states that it constitutes discrimination to provide disparate wages based on sex, and the legislation creates more opportunities to seek remedies for those challenging compensation. The Equal Employment Opportunity Commission (EEOC) has defined equal pay under the Fair Labor Standards Act and the Equal Pay Act of 1963 to include all forms of compensation, including healthcare benefits.

H.R. 7 makes definitional changes to “sex” to include “pregnancy, childbirth, or a related medical condition.” It is well established that abortion will be regarded as a “related medical condition.” See 29 C.F.R. pt. 1604 App. (1986) and *Doe v. CARS Protection Plus, Inc.*, 527 F.3d 358 (3d Cir. 2008).

Historically, when Congress has addressed discrimination based on sex, rules of construction have been added to prevent requiring funding of abortion. Since there is no

rule of construction that would make this legislation abortion-neutral, it is likely that H.R. 7 could be used to sue employers for a lack of elective abortion coverage.

Under H.R. 7, a person could make a claim that an employer’s failure to provide health coverage for abortion is discriminatory if an employer provides health coverage for male-specific items.

For the reasons above, National Right to Life opposes the current version of H.R. 7 and reserves the right to include a House roll call on this measure in our scorecard of key pro-life votes of the 117th Congress.

Should you have any questions, please contact us.

Thank you for your consideration of NRLC’s position on this matter.

Respectfully submitted,

CAROL TOBIAS,
President.
DAVID N. O’STEEN, Ph.D.,
Executive Director.
JENNIFER POPIK, J.D.,
Legislative Director.

SUSAN B. ANTHONY LIST,
April 13, 2021.

DEAR REPRESENTATIVE: I write to advise you that Susan B. Anthony List, on behalf of our more than 900,000 members, opposes H.R. 7, the Paycheck Fairness Act, which was amended at the last minute to add a definition of sex that could force employers to cover elective abortion through employee benefits under the guise of fairness.

H.R. 7 amends the Fair Labor Standards Act of 1938 by adding “pregnancy, childbirth, or a related medical condition” to the definition of “sex,” which courts have interpreted broadly to include abortion.

The abortion implications are buried in layers of court interpretations and regulations of the Equal Employment Opportunity Commission (EEOC). The Fair Labor Standards Act (FLSA) prohibits sex discrimination in the area of employee wages. And while the FLSA does not explicitly include benefits like health coverage in its definition of wages, the EEOC has interpreted wages to include benefits. The EEOC states that the Equal Pay Act, part of the FLSA, “requires that men and women in the same workplace be given equal pay for equal work.” The Department of Labor and the EEOC further stipulate that equal pay includes benefits, and the EEOC allows a person to go straight to court with claims this provision has been violated. There is nothing preventing a person from claiming sex discrimination if an employer provides health coverage for all of men’s health services but does not pay for coverage for abortion services for women.

When the terms “pregnancy, childbirth, or related medical condition” were used in the Pregnancy Discrimination Act four decades ago, the terms were accompanied by language stating that employers could not be forced to cover abortion in health insurance benefits except to save the life of the mother. While H.R. 7 does not override that limited safeguard, it does fail to extend equivalent safeguards to address its much broader, more sweeping reach. Without abortion neutral language in H.R. 7, this legislation opens the door for employers to be sued for sex discrimination by simply refraining from funding abortion on demand in employee health plans.

Susan B. Anthony List opposes and will score against H.R. 7.

Sincerely,

MARJORIE DANNENFELSER,
President.

MARCH FOR LIFE ACTION,
Washington, DC, April 14, 2021.
HOUSE OF REPRESENTATIVES,
Washington DC.

DEAR REPRESENTATIVE: On behalf of March for Life Action and the millions of pro-life Americans who march to end abortion, I am writing to voice our opposition to H.R. 7, the Paycheck Fairness Act. While March for Life Action has no position on the original bill, inexplicably the bill language was changed this Congress to include troubling language that seems to have the singular purpose of promoting abortion.

The definition included in Section 2 includes "pregnancy or related medical condition," which amends the Equal Pay Act portion of the Fair Labor Standards Act. This law states that it constitutes discrimination to provide different wages to individuals based on sex. The EEOC defines equal pay under the FLSA/Equal Pay Act to mean all forms of compensation, including benefits.

By stating that "sex" includes "pregnancy or related medical condition," the bill establishes the expectation that women will be given "equal benefits" related to pregnancy and abortion. The legislation gives power to the Federal government to use its full force to attack health care providers, including businesses, which do not include full abortion coverage in their plans, and be subject to the enhanced penalties laid out in the bill.

Clearly this legislation is not about fairness, however it is pushing a radical abortion scheme that is opposed by most Americans. For these reasons, March for Life Action will score against H.R. 7 in our annual scorecard for the 117th Congress.

Sincerely,

THOMAS MCCLUSKY,
President, March for Life Action.

Ms. JOHNSON of Texas. Madam Speaker, I rise today to express my support for the passage of H.R. 7, the Paycheck Fairness Act. This landmark legislation, of which I am a proud cosponsor, will close loopholes in the Equal Pay Act to better protect and promote effective remedies for workers still subject to inequitable and insufficient pay.

Signed into law by President John F. Kennedy in 1963, the Equal Pay Act was the first anti-discrimination law addressing wage differences at the federal level. Now, half a century after its enactment, women and minorities still face significant wage disparities despite making great strides in the workforce. According to a study conducted by the U.S. Census Bureau's American Community Survey, the median earnings for women in Texas is \$36k, compared to the median earnings of \$46k for men. Across the Nation, women are only earning on average 82 cents for every dollar a man makes in similar, full-time positions. The differences are only exacerbated when you take into consideration that Black women make 63 cents, Native American women 60 cents, and Hispanic women 55 cents.

As the first Black woman elected in Dallas and someone who has worked in fields dominated by men, I have witnessed and experienced firsthand the biases and hardships that women and minorities face in our workforce. That is why I am proud to announce that the advances made in this legislation are wide-ranging and significant. The Paycheck Fairness Act will protect working women against retaliation for discussing salaries, prohibit employers from screening job applicants based on their salary history, and finally require employers to prove that pay disparities exist for legitimate, job-related reasons. Additionally,

this effort will make improvements to the tools available to the Equal Employment Opportunity Commission and the Department of Labor to enforce the Equal Pay Act.

Madam Speaker, as a member of the Democratic Women's Caucus, I am committed to advancing the professional development and financial security of women and minorities in our workforce. That is why I would urge my colleagues on both sides of the aisle to support this legislation.

Ms. ESHOO. Madam Speaker, I rise today to express my support of the Paycheck Fairness Act, a bill I'm proud to have voted for in the previous Congress.

Today, women make up the majority of the college-educated workforce, yet only earn approximately 82 percent of what men earn. For women of color, the pay gap is even worse.

This legislation is critical because it makes significant progress in eliminating pay discrimination against women by providing them the necessary protections and tools to combat sex-based pay discrimination.

Simply put, ensuring that one half of the workforce is paid as much for the same job as the other half is a matter of basic rights and fairness. Women deserve better, and I look forward to voting for this bill once again.

□ 1400

The SPEAKER pro tempore (Ms. DELBENE). All time for debate has expired.

Each further amendment printed in part B of House Report 117-15 not earlier considered as part of amendments en bloc pursuant to section 3 of House Resolution 303, shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, may be withdrawn by the proponent at any time before the question is put thereon, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It shall be in order at any time for the chair of the Committee on Education and Labor or his designee to offer amendments en bloc consisting of further amendments printed in part B of House Report 117-15, not earlier disposed of. Amendments en bloc shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Education and Labor or their respective designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENTS EN BLOC OFFERED BY MR.
SCOTT OF VIRGINIA

Mr. SCOTT of Virginia. Madam Speaker, pursuant to section 3 of House Resolution 303, I rise to offer amendments en bloc.

The SPEAKER pro tempore. The Clerk will designate the amendments en bloc.

Amendments en bloc consisting of amendment Nos. 1, 2, 3, 5, and 6, printed in part B of House Report 117-15, offered by Mr. SCOTT of Virginia:

AMENDMENT NO. 1 OFFERED BY MR. BEYER OF
VIRGINIA

In subsection (f) as added to section 709 of the Civil Rights Act of 1964 by the amendment made by section 7 of the bill, strike paragraph (1) and insert the following:

(1) Not later than 24 months after the date of enactment of this subsection, the Commission shall provide for the annual collection from employers of compensation data disaggregated by the sex, race, and national origin of employees. The Commission may also require employers to submit other employment-related data (including hiring, termination, and promotion data) so disaggregated.

At the end of subparagraph (2) of subsection (f) as added to section 709 of the Civil Rights Act of 1964 by the amendment made by section 7 of the bill, strike the last sentence and insert the following:

The Commission shall also consider factors including the imposition of burdens on employers, the frequency of required reports (including the size of employers required to prepare reports), appropriate protections for maintaining data confidentiality, and the most effective format to report such data.

In paragraph (3) of subsection (f) as added to section 709 of the Civil Rights Act of 1964 by the amendment made by section 7 of the bill, strike "(3)" and all that follows through subparagraph (C), and insert the following:

"(3)(A) For each 12-month reporting period for an employer, the data collected under paragraph (1) shall include compensation data disaggregated by the categories described in subparagraph (E).

"(B) For the purposes of collecting the disaggregated compensation data described in subparagraph (A), the Commission may use compensation ranges reporting—

"(i) the number of employees of the employer who earn compensation in an amount that falls within such compensation range; and

"(ii) the total number of hours worked by such employees.

"(C) If the Commission uses compensation ranges to collect the pay data described in subparagraph (A), the Commission may adjust such compensation ranges—

"(i) if the Commission determines that such adjustment is necessary to enhance enforcement of Federal laws prohibiting pay discrimination; or

"(ii) for inflation, in consultation with the Bureau of Labor Statistics."

In subparagraph (D) of subsection (f)(3) as added to section 709 of the Civil Rights Act of 1964 by the amendment made by section 7 of the bill, strike "shall" and insert "may".

In subparagraph (G) of subsection (f)(3) as added to section 709 of the Civil Rights Act of 1964 by the amendment made by section 7 of the bill, strike "annually" and insert "at 18-month intervals".

AMENDMENT NO. 2 OFFERED BY MS. NEWMAN OF
ILLINOIS

Page 28, after line 17, insert the following:
SEC. 12. NOTICE REQUIREMENTS.

(a) IN GENERAL.—Each employer shall post and keep posted, in conspicuous places on the premises of the employer where notices to employees are customarily posted, a notice, to be prepared or approved by the Equal Employment Opportunity Commission and the Secretary of Labor, of the requirements described in this Act (or the amendments made by such Act).

(b) RELATION TO EXISTING NOTICES.—The notice under subsection (a) may be incorporated into notices required of the employer as of the date of enactment of this Act.

(c) DIGITAL NOTICE.—With respect to the notice under subsection (a), each employer shall—

(1) post electronic copies of the notice on an internal website to which employees have access; and

(2) notify employees on such internal website of the location of the place on the premises where the notice is posted.

Page 28, beginning on line 18, redesignate sections 12 and 13 as sections 13 and 14, respectively.

AMENDMENT NO. 3 OFFERED BY MS. OCASIO-CORTEZ OF NEW YORK

On page 12, after line 15, insert the following:

(a) NEGOTIATION BIAS TRAINING.—

(1) IN GENERAL.—The Secretary of Labor shall establish a program to award contracts and grants for the purpose of training employers about the role that salary negotiation and other inconsistent wage setting practices can have on allowing bias to enter compensation.

(2) TRAINING TOPICS.—Each training program established using funds under section (a) shall include an overview of how structural issues may cause inequitable earning and advancement opportunities for women and people of color and assist employers in examining the impact of a range of practices on such opportunities, including—

(A) self-auditing to identify structural issues that allow bias and inequity to enter compensation;

(B) recruitment of candidates to ensure diverse pools of applicants;

(C) salary negotiations that result in similarly qualified workers entering at different rates of pay;

(D) internal equity among workers with similar skills, effort, responsibility and working conditions;

(E) consistent use of market rates and incentives driven by industry competitiveness;

(F) evaluation of the rate of employee progress and advancement to higher paid positions;

(G) work assignments that result in greater opportunity for advancement;

(H) training, development and promotion opportunities;

(I) impact of mid-level or senior level hiring in comparison to wage rates of incumbent workers;

(J) opportunities to win commissions and bonuses;

(K) performance reviews and raises;

(L) processes for adjusting pay to address inconsistency and inequity in compensation; and

(M) other topics that research identifies as a common area for assumptions, bias and inequity to impact compensation.

On page 12, line 16, strike “(a)” and insert “(b)”.

On page 13, line 19, strike “(b)” and insert “(c)”.

On page 14, line 12, strike “(c)” and insert “(d)”.

AMENDMENT NO. 5 OFFERED BY MR. TORRES OF NEW YORK

Page 16, strike line 1 and all that follows through page 18, line 6, and insert the following:

(b) RESEARCH ON GENDER PAY GAP IN TEEN-AGE LABOR FORCE.—

(1) RESEARCH REVIEW.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Labor, acting through the Director of the Women's Bureau, shall conduct a review and develop a synthesis of research on the gender wage gap among younger workers existing as of the date of enactment of this Act, and shall make such review and synthesis available on a publicly accessible website of the Department of Labor.

(2) AUTHORITY TO COMMISSION STUDIES.—Not later than 36 months after the date of the en-

actment of this Act, the Secretary of Labor, acting through the Director of the Women's Bureau, shall request proposals and commission studies that can advance knowledge on the gender wage gap among younger workers, and shall make such studies available on a publicly accessible website of the Department of Labor.

AMENDMENT NO. 6 OFFERED BY MS. WILLIAMS OF GEORGIA

Page 27, after line 16, insert the following (and redesignate subsequent sections accordingly):

SEC. 10. NATIONAL EQUAL PAY ENFORCEMENT TASK FORCE.

(a) IN GENERAL.—There is established the National Equal Pay Enforcement Task Force, consisting of representatives from the Equal Employment Opportunity Commission, the Department of Justice, the Department of Labor, and the Office of Personnel Management.

(b) MISSION.—In order to improve compliance, public education, and enforcement of equal pay laws, the National Equal Pay Enforcement Task Force will ensure that the agencies in subsection (a) are coordinating efforts and limiting potential gaps in enforcement.

(c) DUTIES.—The National Equal Pay Enforcement Task Force shall investigate challenges related to pay inequity pursuant to its mission in subsection (b), advance recommendations to address those challenges, and create action plans to implement the recommendations.

The SPEAKER pro tempore. Pursuant to House Resolution 303, the gentleman from Virginia (Mr. SCOTT) and the gentlewoman from North Carolina (Ms. FOX) each will control 10 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. SCOTT of Virginia. Madam Speaker, I yield myself 1 minute.

Madam Speaker, these amendments will: require the EEOC to provide for the collection of annual compensation data for employees disaggregated by race, sex, and national origin; add a requirement that employers post notices and distribute information electronically informing employees of their rights under this act; direct the Department of Labor establish a program to award grants to employers to engage in training and conduct self-audits to identify and reduce bias in pay practices; direct the Secretary of Labor to conduct a study and a research literature review of gender wage gap in the teenage workforce; and reestablish the National Equal Pay Equity Task Force that had been set up under the Obama administration to coordinate efforts between the Department of Labor, the Department of Justice, and the Office of Personnel Management.

These amendments will make meaningful improvements to the bill, and I urge a “yes” vote on the en bloc amendments. I reserve the balance of my time.

Ms. FOX. Madam Speaker, I yield myself such time as I may consume, and I rise in opposition to the en bloc amendments.

Madam Speaker, in America, discriminating in pay based on sex is illegal, as codified in the Equal Pay Act and the Civil Rights Act.

Democrats claim H.R. 7 will improve upon these bipartisan laws to create new opportunities for women to fight pay discrimination. What H.R. 7 actually does is create new opportunities for trial lawyers to earn higher paychecks while offering no new protections for pay discrimination in the workplace.

Unfortunately, I cannot support any of the Democrat amendments to H.R. 7 because none of them addresses the numerous unworkable and onerous provisions in the bill.

I appreciate that Representative BEYER's amendment recognizes the very serious problems with H.R. 7 by attempting to place a fig leaf on the expansive government data collection mandate in the bill. However, the Equal Employment Opportunity Commission, EEOC, is still required to implement the draconian data collection scheme in the underlying bill, which is still extremely misguided, expensive, and unnecessary.

H.R. 7 requires business owners to submit reams of pay data to the EEOC disaggregated by job category, race, sex, and ethnicity. Moreover, the collection mandate also includes other employment-related data, including hiring, termination, and promotion data, which even the discredited 2016 Obama administration pay data collection scheme did not include.

The data collection mandate in H.R. 7 raises several concerns.

First, it puts at risk volumes of highly confidential pay data involving millions of individual workers. We all know of the widespread data breaches the Federal Government has suffered.

Second, EEOC will not be able to manage or properly use this data. It has never been explained what exactly the EEOC will do with this data. Madam Speaker, data is not the same as information.

Third, this mandate is overly burdensome. Under the Obama administration scheme, the data cells required from business owners when they file an Employer Information Report, EEO-1, with EEOC expanded 180 cells to 3,660. Let me say that again: from 180 cells to 3,660. H.R. 7's scheme will add on hundreds, if not thousands, of more data cells.

EEOC has estimated that with the new reams of pay data added, the collection will cost business owners more than \$600 million annually. I doubt that is going to help one single woman in this country.

Although this amendment purports to give EEOC more discretion to implement the pay data collection, this data collection mandate should simply be removed from the bill.

In any event, discretion cuts both ways, and the Democrat-controlled EEOC may choose to implement a data collection scheme even more expansive.

Let me be clear that the Beyer amendment does not improve the draconian pay data collection mandate in

the underlying bill or the other serious flaws in other sections of H.R. 7 we have talked about today.

Representative NEWMAN's amendment takes a longstanding reasonable requirement and makes it disruptive and unworkable.

First, the amendment requires a workplace notice posting of a partisan special-interest bill which fails to address pay discrimination in the workplace.

Second, under current law, covered employers must post a notice of the equal employment opportunity rights in a conspicuous place at the workplace. Employees who telecommute or otherwise do not have access to the physical notice must be provided an electronic version. Under Representative NEWMAN's amendment, the employer must post electronic copies of a new notice on an internal website to which employees have access. This is unrealistic. H.R. 7 applies to millions of small businesses that do not have websites, much less internal websites for their employees.

In keep with the other impractical provisions in H.R. 7, the amendment adds another onerous requirement on small businesses that will be stuck with the bill.

Representative OCASIO-CORTEZ' amendment would create a new program for the Department of Labor to—I hate to say this word—“train” employers regarding bias in negotiation and other wage-setting practices. The amendment includes a non-exhaustive list of 13 wage-setting practices on which employers allegedly need education. Employers may understandably review this list as 13 new ways for trial lawyers to allege violations of the Equal Pay Act.

I will compliment one aspect of Representative OCASIO-CORTEZ' amendment. It mentions compensation self-audits. Republicans agree that self-audits can be a useful tool in combating pay discrimination, and we urge support for the Republican substitute amendment which encourages employers to conduct self-evaluations to identify potentially unlawful pay differences and to take steps to rectify any unlawful pay practices. Unfortunately, H.R. 7 does not encourage these self-evaluations.

Representative WILLIAMS' amendment reestablishes the Obama-era National Equal Pay Enforcement Task Force. This amendment would establish another politically biased government bureaucracy that includes agencies such as the EEOC and the Department of Labor already tasked with enforcing laws against pay discrimination and ensuring compliance with those laws.

Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. BEYER).

Mr. BEYER. Madam Speaker, I rise today to urge my colleagues to support my amendment to H.R. 7.

I was privileged to serve on the Science Committee and study physics as an undergraduate, and I have always been impressed with the Heisenberg uncertainty principle. It says you can't measure something without changing it.

As a longtime businessman, we always wanted to be driven by data because you can't manage what you don't measure.

Receiving equal pay should not have to depend on an anonymous note writer letting you know that you are being underpaid. Guaranteeing that women and men receive equal pay for equal work is a principle rooted in our Nation's commitment to equality and fairness.

My amendment would require employers to report pay data by race, national origin, and gender to the Equal Employment Opportunity Commission and for that data to be shared with the Office of Federal Contract Compliance Programs.

It would lengthen the timeframe for inception of the pay data collection from 18 to 24 months, providing the EEOC with more time to develop and execute an effective pay data collection.

I believe it is plausible, Madam Speaker, to say that more than 90 percent of paychecks are prepared by software, either internal or external. I remember preparing paychecks by hand, but it is a very small business that does that anymore. That software will evolve overnight, probably through the course of this debate, and the burden is likely to be small.

The amendment also permits, but doesn't require, the use of pay bands or hours-worked data and provides the EEOC with flexibility in what type of compensation data to use. Importantly, it also gives the EEOC the discretion to collect additional employment-related data but also to consider employer burden, data format, and confidentiality.

Pay data reporting by employers promises to shine light on race and gender pay disparities, increase the likelihood of employer self-analysis and self-correction, and identify the areas of concern for further investigation by enforcement agencies.

Reporting this data will also allow the EEOC to see which employers have racial or gender pay gaps that differ significantly from the pay patterns from other employers in their industry and region.

I can also say, after almost 50 years of adapting to Federal regulations, almost every business can find a way to profit from it.

Ms. FOXX. Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I have two additional speakers.

Madam Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. NEWMAN).

Ms. NEWMAN. Madam Speaker, I want to thank Ms. FOXX for her com-

ments, and I will share a tip because I am a former small business owner. So, there is this great thing called communication. You can chat with one another and talk about some of their rights, so I recommend it for all that ask.

Madam Speaker, I rise on behalf of the millions of women in the workforce that to this day are still only making 82 cents on every dollar. My amazing colleagues have identified lots of stats that are very, very convincing with strong data.

I ask today that everyone consider the 15 to 20 percent of the female workforce who have either paused or stopped their careers—or ruined their careers, which many would say—because of the pandemic. It has been devastating, as we all know.

The Paycheck Fairness Act builds on the Equal Pay Act and the Lilly Ledbetter Fair Pay Act by making it harder for employers to pay women less than men for the same work.

When woman return to the workforce, and I pray that they do, we must ensure that they are aware of their rights under legislation—verbally, electronically, by any means; it all works—which is why I have introduced an amendment that requires employers to display a poster in their workplace or their employment worksite, or by email, or whatever they can do, so workers clearly understand that they have rights under this act.

Madam Speaker, I urge my colleagues to pass this amendment and this legislation so we can ensure equal work means equal pay.

Ms. FOXX. Madam Speaker, I reserve the balance of my time.

□ 1415

Mr. SCOTT of Virginia. Madam Speaker, I yield 2 minutes to the gentlewoman from Georgia (Ms. WILLIAMS).

Ms. WILLIAMS of Georgia. Madam Speaker, I rise today in support of the Paycheck Fairness Act and my amendment to this bill.

On average, full-time working women need to work well into the next year to catch up to the salary our male counterparts earned the previous year. March 24 marked the day that women's salaries, on average, caught up to the salaries of our male counterparts in 2020. For several subgroups of women, this date won't come until later this year. For example, as a Black woman, it will take until August—an additional 8 months—to make the same salary of our male counterparts as they did in 2020.

The American people look to Congress to be a force for economic justice and create policies that are fair and just. It is simply wrong that in the 21st century women still face pay inequity. That is why I am proud to support the Paycheck Fairness Act, which will strengthen existing laws to ensure that women are getting the pay that they deserve.

My amendment will build on this crucial legislation by reestablishing the Equal Pay Enforcement Task Force. This task force, which previously existed during the Obama-Biden administration, will ensure Federal agencies are working together to limit any potential gaps in enforcement of equal pay laws. Putting this task force back in place will bring us one step closer to ensuring that women finally receive equal pay for equal work.

Madam Speaker, I urge my colleagues to support this amendment and the bill before us today to ensure that women are paid fairly.

Ms. FOXX. Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I hope we would adopt these three good amendments en bloc, and I yield back the balance of my time.

Ms. FOXX. Madam Speaker, I support equal pay for equal work. I don't know how many times Republicans have to say that, but we will keep saying it if necessary because equal pay for equal work is the right thing to do, but it is also required under two Federal statutes, and in most cases it is being adhered to.

Congress should focus on policies that will continue to increase economic opportunity and expand options for all workers. That is what we should be doing in the Education and Labor Committee: looking for ways to increase economic opportunity and expand options for all workers.

We shouldn't be doing away with pipeline jobs, we shouldn't be raising taxes, and we shouldn't be decreasing options for people to work in this country; but that is what this administration is doing, and that is what the other side is doing.

The Democrat amendments and the underlying bill fail miserably in terms of increasing options and expanding economic opportunity. It is pushing people into the bands, making everybody the same and treating everybody as though they have no individuality, they shouldn't be innovative, they shouldn't be creative, and they shouldn't strive for more. That is not the way to go.

Madam Speaker, I urge my colleagues to oppose the Democrat en bloc amendment and the underlying bill, and I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 303, the previous question is ordered on the amendments en bloc offered by the gentleman from Virginia.

The question is on the amendments en bloc.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. FOXX. Madam Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

AMENDMENT NO. 4 OFFERED BY MRS. MILLER-MEEKS

The SPEAKER pro tempore. It is now in order to consider amendment No. 4 printed in part B of House Report 117-15.

Mrs. MILLER-MEEKS. Madam Speaker, I rise as the designee of Representative STEFANIK, and I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike all of the bill and insert the following:

SECTION 1. SHORT TITLE.

This Act may be referred to as the "Wage Equity Act of 2021".

SEC. 2. FINDINGS.

(1) In 1963, Congress passed on a bipartisan basis the Equal Pay Act of 1963 to prohibit discrimination on account of sex in the payment of wages for equal work performed by employees for employers engaged in commerce or in the production of goods for commerce.

(2) Following the passage of such Act, in 1964, Congress passed on a bipartisan basis the Civil Rights Act of 1964. Since the passage of both the Equal Pay Act of 1963 and the Civil Rights Act of 1964, women have made significant strides, both in the workforce and in their educational pursuits.

(3) Prior to the COVID-19 pandemic, there were over 77,000,000 women in the workforce, the most in American history. Of the 2,000,000 jobs created in 2019, 53 percent went to women. This follows a trend that has been rising for some time. Women are graduating from college at a higher rate than their male counterparts, making up 61 percent of all college degrees conferred in 2018. Additionally, according to a recent survey of working women, more than half are their family's primary breadwinner.

(4) The COVID-19 pandemic has had a significant impact on working women, resulting in over 2 million women leaving the workforce since February 2020.

(5) Despite these advances there is still concern among the American public that gender-based wage discrimination has not been eliminated.

SEC. 3. CLARIFYING SEX-BASED DISCRIMINATION PROHIBITION.

Section 6(d)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)(1)) is amended by inserting "bona fide business-related" after "any other".

SEC. 4. JOB AND WAGE ANALYSIS.

Section 16 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216) is amended by adding at the end the following:

"(f)(1) An employer shall not be liable in an action brought against the employer for a violation of section 6(d) if—

"(A) during the period beginning on the date that is 3 years before the date on which the action is brought and ending on the date that is 1 day before the date on which the action is brought, such employer completes a job and wage analysis audit to determine whether there are differentials in wage rates among such employees that may violate section 6(d);

"(B) such employer takes reasonable steps to remedy any such differentials; and

"(C) such job and wage analysis audit is conducted and such reasonable steps are taken in good faith to investigate whether any such differentials exist; and

"(D) such audit is reasonable in detail and scope with respect to the size of the employer.

"(2) A job and wage analysis audit under this section and remedial action taken in response to the findings of such audit—

"(A) may only be admissible by the employer for the purposes of showing—

"(i) such audit was conducted; and

"(ii) such reasonable steps were taken; and

"(B) shall not be discoverable or admissible for any other purpose in any claim against the employer.

"(3) An employer who has not completed a job and wage analysis audit under this subsection shall not be subject to a negative or adverse inference as a result of not having completed such audit.

"(4) An employer who has completed a job and wage analysis audit that does not meet the requirements of subparagraph (D) of paragraph (1) but otherwise meets the requirements of such paragraph shall not be liable for liquidated damages under section 16(b).

"(5) In this section—

"(A) the term 'job and wage analysis audit' means an audit conducted by the employer for the purpose of identifying wage disparities among employees on the basis of sex; and

"(B) the term 'reasonable steps', with respect to differentials in wages among employees that may violate section 6(d), means steps that are reasonable to address such differentials taking into account—

"(i) the amount of time that has passed since the date on which the audit was initiated;

"(ii) the nature and degree of progress resulting from such reasonable steps toward compliance with section 6(d) compared to the number of employees with respect to whom a violation may exist and the amount of the wage rate differentials among such employees; and

"(iii) the size and resources of the employer."

SEC. 5. WAGE HISTORY; DISCUSSION OF WAGES.

(a) IN GENERAL.—The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) is amended by inserting after section 7 the following new section:

"SEC. 8. PROVISIONS RELATING TO WAGE HISTORY AND DISCUSSION OF WAGE.

"(a) REQUIREMENTS AND PROHIBITIONS RELATING TO WAGE HISTORY.—It shall be an unlawful practice for a person after the date of enactment of the Wage Equity Act of 2021—

"(1) to rely on the wage history of a prospective employee—

"(A) in considering the prospective employee for employment, including by requiring that the wage history of a prospective employee satisfies minimum or maximum criteria as a condition of being considered for employment; or

"(B) in determining the rate of wage for such prospective employee; or

"(2) to seek, or to require a prospective employee to disclose, the wage history of such prospective employee.

"(b) VOLUNTARY DISCLOSURE EXCEPTIONS.—

"(1) IN GENERAL.—Subsection (a)(1) shall not apply with respect to a prospective employee who voluntarily discloses the wage history of such prospective employee.

"(2) WAGE HISTORY VERIFICATION.—Notwithstanding subsection (a)(2), a person may take actions necessary to verify the wage history of a prospective employee if such wage history is voluntarily disclosed to the person by such prospective employee.

"(c) PRIOR INQUIRIES.—Subsection (a) shall not apply with respect to the wage history of an employee acquired by an employer before the date of enactment of the Wage Equity

Act of 2021, including a current employee's wage history with another employer that was requested and used to set an employee's starting wage before such date and which is embedded in an employee's pay and pay increases after such date.

“(d) PROHIBITIONS RELATING TO DISCUSSION OF WAGES.—Subject to subsection (c), it shall be an unlawful practice for an employer—

“(1) to prohibit an employee from inquiring about, discussing, or disclosing the wage of—

“(A) the employee; or

“(B) any other employee of the employer if such employee has voluntarily disclosed the wage of such employee;

“(2) to prohibit an employee from requesting from the employer an explanation of differentials in compensation among employees; or

“(3) to take an adverse employment action against an employee for—

“(A) conduct described under paragraphs (1) or (2); or

“(B) encouraging employees to engage in conduct described in such paragraphs.

“(e) LIMITATIONS RELATING TO DISCUSSION OF WAGES.—

“(1) TIME AND PLACE LIMITATIONS.—An employer may impose reasonable time, place, and manner limitations on conduct described under subsection (c) if such limitations are written and available to each employee.

“(2) INVOLUNTARY DISCLOSURE.—An employer may prohibit an employee from discussing the wages of any other employee if such other employee did not voluntarily disclose such wages to the employee discussing such wages.

“(f) PAY EXPECTATION CONVERSATION.—Nothing in this section shall be construed to prevent a person from—

“(1) inquiring about the pay expectations of a prospective employee; or

“(2) providing information to such employee about the compensation and benefits offered in relation to the position.”.

(b) DEFINITIONS.—Section 2 of the Fair Labor Standards Act of 1938 (29 U.S.C. 202) is amended by adding at the end the following:

“(z) the term ‘prospective employee’ means an individual who took an affirmative step to seek employment with a person and who is not currently employed by such person, a parent, subsidiary, predecessor, or related company of such person, or an employer connected by a purchase agreement with such person; and

“(aa) the term ‘wage history’ means the wages paid to the prospective employee by the prospective employee’s current employer or any previous employer of such employee.”.

(c) RETALIATION.—Section 15(a)(3) of the Fair Labor Standards Act of 1938 (29 U.S.C. 215(a)(3)) is amended—

(1) by inserting “or prospective employee” after “any employee”; and

(2) by inserting “or prospective employee” after “such employee”.

(d) PENALTY.—

(1) IN GENERAL.—Section 16(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(b)) is amended by inserting “Any person who violates the provisions of section 8 with respect to an employee or prospective employee shall be liable to such employee in an amount equal to the difference between the amount that the employee or prospective employee would have received but for such violation and the amount received by such employee or prospective employee, and an additional equal amount as liquidated damages.” after “tips unlawfully kept by the employer, and in an additional equal amount as liquidated damages.”.

(2) CIVIL MONETARY PENALTY.—Section 16(e)(2) of the Fair Labor Standards Act of

1938 (29 U.S.C. 216(e)(2)) is amended by striking “6 and 7” and inserting “6, 7, and 8”.

SEC. 6. NEGOTIATION SKILLS EDUCATION.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Labor, after consultation with the Secretary of Education, is authorized to establish and carry out a grant program.

(2) GRANTS.—In carrying out the program under paragraph (1), the Secretary of Labor may make grants on a competitive basis to eligible entities to carry out negotiation skills education programs for the purposes of addressing wage disparities, including through outreach to women and girls.

(3) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this subsection, an entity shall be a public agency, such as a State, a local government in a metropolitan statistical area (as defined by the Office of Management and Budget), a State educational agency, or a local educational agency, a private nonprofit organization, or a community-based organization.

(4) APPLICATION.—To be eligible to receive a grant under this subsection, an entity shall submit an application to the Secretary of Labor at such time, in such manner, and containing such information as the Secretary of Labor may require.

(5) USE OF FUNDS.—An entity that receives a grant under this subsection shall use the funds made available through the grant to carry out an effective negotiation skills education program for the purposes described in paragraph (2).

(b) INCORPORATING EDUCATION INTO EXISTING PROGRAMS.—The Secretary of Labor and the Secretary of Education shall issue regulations or policy guidance that provides for integrating the negotiation skills education, to the extent practicable, into programs authorized under—

(1) in the case of the Secretary of Education, the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), and other programs carried out by the Department of Education that the Secretary of Education determines to be appropriate; and

(2) in the case of the Secretary of Labor, the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.), and other programs carried out by the Department of Labor that the Secretary of Labor determines to be appropriate.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, and annually thereafter, the Secretary of Labor, in consultation with the Secretary of Education, shall prepare and submit to Congress a report describing the activities conducted under this section and evaluating the effectiveness of such activities in achieving the purposes of this section.

SEC. 7. GAO STUDY.

The Comptroller General shall, not later than 180 days after the date of the enactment of this Act, submit to Congress a study on the causes and effects of—

(1) wage disparities among men and women;

(2) with respect to employees that leave the workforce for parental reasons (commonly referred to as the “Manager’s Gap”), the impact on wages and opportunity potential; and

(3) the disparities in negotiation skills among men and women upon entering the workforce.

The SPEAKER pro tempore. Pursuant to House Resolution 303, the gentlewoman from Iowa (Mrs. MILLER-

MEEKS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Iowa.

Mrs. MILLER-MEEKS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, equal work deserves equal pay, and we owe it to women to constructively engage on addressing pay disparities in the workplace and put forward real solutions. Unfortunately, Democrats have put forth a bill that prioritizes lawsuits and government regulation over women’s economic empowerment and advancement.

H.R. 7 would require employers to make intrusive data disclosures that would add compliance costs exceeding \$600 million per year while posing serious threats to workers’ privacy and their paychecks.

On top of these onerous new requirements, H.R. 7 will force America’s businesses to prepare for an onslaught of frivolous lawsuits, which now will be open to unlimited compensatory and limited damages.

Forty percent of small businesses are run by women, and H.R. 7 would make it harder for these women business owners to succeed.

This issue is too important to leave to partisan solutions. Our amendment, the Wage Equity Act, offers a stark contrast to the approach laid out in H.R. 7. We look to innovation in the States to find bipartisan policy that is supported by both Republicans and Democrats and signed by Republican Governors—proof that equal pay for equal work is not a partisan issue.

The Wage Equity Act supports the empowerment of women in today’s economy. America’s businesses—particularly our small businesses—seek to do right by their employees. In recognition of this, the Wage Equity Act creates a voluntary pay analysis system to encourage the good-faith efforts of employers to self-identify and correct any wage disparities, should they exist, creating an environment of consistent self-reflection.

We believe every American should be able to negotiate employment based upon their qualifications and merit for the position, and that a victim of wage discrimination should not have this discrimination follow them to their next job and compound through the rest of their career.

This is why this amendment protects the employee’s right to not disclose their salary history during the job interview process unless they wish to do so voluntarily. At the same time, we cannot erode the necessary negotiations that take place in a job interview.

The Wage Equity Act protects the ability for an employee and their prospective employer to have a pay expectation conversation, an important part of any negotiation.

Our amendment protects employees’ ability to discuss compensation with

their colleagues while giving employers the ability to set reasonable limitations on the time, location, and manner of this activity to protect employees from harassment.

Furthermore, the Wage Equity Act seeks to put women on equal footing as men as they start their careers with a grant program targeted towards women in college and career tech programs to provide negotiation skills education.

Lastly, our amendment directs the GAO to study the manager's gap to give us a clearer sense of the impact new parents leaving the workforce have on an employee's future earning and opportunity potential.

These are commonsense proposals that are supported by both Democrats and Republicans alike. I encourage my colleagues to reject partisan Government overreach and to support practical, bipartisan solutions that improve the existing law of the land—equal pay for equal work—by voting for the Stefanik amendment.

Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I claim the time in opposition to the amendment.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. SCOTT of Virginia. Madam Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Mrs. HAYES).

Mrs. HAYES. Madam Speaker, this amendment would allow employers to self-audit compensation disparity. Asking the same employer, who may be engaged in pay discrimination, to self-police their wage practices is a blatant conflict of interest.

Rather than actually incentivizing equal pay, as Ms. STEFANIK would claim, this amendment gives employers the tool to hide evidence of pay discrimination and delay any resulting lawsuit and accountability by 3 years. The very idea behind this provision is insidious. It presumes that employers should be given loopholes to avoid liability after breaking the law. Employers do not need a workaround to guard against these types of lawsuits. Their best defense is simple: do not engage in wage discrimination.

In fact, this amendment actually creates another means for employers to discriminate on the basis of sex by preserving a vague standard for employer defense when accused of wage discrimination. Unlike Ms. STEFANIK's proposed amendment, H.R. 7 makes clear that the "any factor other than sex" employer defense must be bona fide, job-related, and required by business necessity.

Employees must be judged by their education, training or experience instead of their gender. As women drop out of the workforce in historic numbers due to the pressures of COVID-19, we have a responsibility to take every precaution to ensure they do not face discrimination when they return to the workforce.

The Paycheck Fairness Act ensures all workers will get equal pay for equal work, regardless of gender. It will prohibit employers from paying women less simply because another employer paid them less in the past. It helps to oppose pay discrimination with more speed and transparency, and allows women to fight pay injustices they may experience. The Paycheck Fairness Act fixes a systemic injustice that women have suffered.

This amendment would only water down this landmark civil rights and labor legislation. Madam Speaker, I strongly encourage my colleagues to vote "no" to this amendment and stand up for equity.

Mrs. MILLER-MEEKS. Madam Speaker, I yield 1 minute to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Madam Speaker, I thank the gentlewoman for yielding.

Madam Speaker, I rise in support of this amendment, which was also introduced earlier this week by Representative STEFANIK as a standalone bill, H.R. 2491, the Wage Equity Act of 2021.

Unlike the so-called Paycheck Fairness Act, which will unfairly punish businessowners and reward trial lawyers at the expense of workers, this amendment will effectively address pay discrimination in the workplace and help working women by ensuring pay differences among workers of the opposite sex are due to legitimate business-related reasons.

Among other commonsense provisions, this amendment will direct funds and research towards women's advancement in the workplace and will also authorize a grant program to educate women in college careers and technical programs on negotiating pay.

This amendment will also allow job applicants to disclose prior salary history voluntarily, ensuring they control this information as they see fit.

Madam Speaker, I urge my colleagues to support this amendment.

Mr. SCOTT of Virginia. Madam Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO), who is the sponsor of the underlying legislation.

Ms. DELAURO. Madam Speaker, the gender pay gap is a pervasive problem that demands thoughtful, multipronged solutions. The Paycheck Fairness Act represents a comprehensive response to the shortcomings of existing law and addresses the holes that have emerged over time.

Representative STEFANIK's substitute, the Wage Equity Act, is exactly what the Paycheck Fairness Act has been fighting over the years. It purports to offer protections, but, in reality, it creates loopholes that give a wink and a nod to discrimination. Not only would it offer empty protections, it would erode existing protections already in place.

The substitute includes inadequate protections for workers who discuss or disclose wages. While ostensibly pro-

tecting employees who disclose or discuss that pay, it allows employers to place limitations on when, where, and how employees may do so, negating the point of the provision.

Madam Speaker, you cannot remedy pay discrimination if you have no idea that you are making less than the man across the hall. When workers fear retaliation for talking about their pay, any wage gap they face is likely to continue to grow undiscovered in the shadows.

More egregiously, there is no mechanism for enforcement, as it would allow employers who conduct self-designed pay audits to escape accountability for unlawful pay disparities and deny a worker a remedy.

I think it bears repeating that corporations do not feel free to sell us spoiled meat, lock our daughters up in ninth-floor sweatshops with no fire escapes, employ our underage sons in coal mines, force us to work 13-hour shifts without overtime or a break because corporations experienced a moment of Zen and decided to evolve.

No. They were forced into greater accountability and social concern by the legitimate actions of a democratic government. In other words, if we depend on goodwill or a self-audit, then we are all screwed.

This amendment seeks to destroy the entire purpose of the bill and allows companies to evade accountability for violating the law.

Madam Speaker, I urge a "no" vote on this amendment and a "yes" vote for the Paycheck Fairness Act.

Mrs. MILLER-MEEKS. Madam Speaker, I urge my colleagues to support the amendment, and I yield back the balance of my time.

□ 1430

Mr. SCOTT of Virginia. Madam Speaker, I yield myself the balance of my time.

I would hope we would defeat the amendment. This just recreates the loopholes that we are trying to close. You have to start with the idea that there is a differential in pay. And what we are trying to do is—if you can explain this in any kind of way that is business-related, then they get away with it.

The Fair Pay Act says it has to be bona fide and required by the job. If it is not required by the job, why do you have a differential in pay?

We can do better than this, and I hope we defeat the amendment.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 303, the previous question is ordered on the amendment offered by the gentlewoman from Iowa (Mrs. MILLER-MEEKS).

The question was taken; and the Speaker pro tempore announced that the yeas appear to have it.

Mrs. MILLER-MEEKS. Madam Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 7 is postponed.

FRAUD AND SCAM REDUCTION ACT

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 1215) to establish an office within the Federal Trade Commission and an outside advisory group to prevent fraud targeting seniors and to direct the Commission to include additional information in an annual report to Congress on fraud targeting seniors, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 396, nays 13, not voting 20, as follows:

[Roll No. 104]

YEAS—396

Adams	Case	Escobar
Aderholt	Casten	Eshoo
Aguilar	Castor (FL)	Estes
Allen	Castro (TX)	Evans
Allred	Chabot	Fallon
Amodei	Cheney	Feenstra
Arrington	Cicilline	Ferguson
Auchincloss	Clark (MA)	Fischbach
Axne	Clarke (NY)	Fitzgerald
Babin	Cleaver	Fitzpatrick
Bacon	Cline	Fleischmann
Baird	Cloud	Fletcher
Balderson	Clyburn	Fortenberry
Banks	Clyde	Foster
Barr	Cohen	Foxx
Barragán	Cole	Frankel, Lois
Bass	Comer	Franklin, C.
Beatty	Connolly	Scott
Bentz	Cooper	Fulcher
Bera	Correa	Gallagher
Bergman	Costa	Gallego
Beyer	Courtney	Garamendi
Bice (OK)	Craig	Garbarino
Bilirakis	Crawford	Garcia (CA)
Bishop (GA)	Crenshaw	Garcia (IL)
Blumenauer	Crist	Garcia (TX)
Blunt Rochester	Crow	Gibbs
Bonamici	Cuellar	Gimenez
Bost	Dauids (KS)	Gomez
Bourdeaux	Davidson	Gonzales, Tony
Bowman	Davis, Danny K.	Gonzalez (OH)
Boyle, Brendan F.	Davis, Rodney	Gonzalez, Vicente
Brown	Dean	Gooden (TX)
Brownley	DeFazio	Gottheimer
Buchanan	DeGette	Granger
Bucshon	DeLauro	Graves (MO)
Budd	DelBene	Green (TN)
Burchett	Delgado	Green, Al (TX)
Burgess	Demings	Griffith
Bustos	DeSaulnier	Grijalva
Butterfield	DesJarlais	Grothman
Calvert	Deutsch	Guest
Cammack	Diaz-Balart	Guthrie
Carbajal	Dingell	Hagedorn
Cardenas	Doggett	Harder (CA)
Carl	Donalds	Harris
Carson	Doyle, Michael F.	Harshbarger
Carter (GA)	Duncan	Hartzler
Carter (TX)	Dunn	Hayes
Cartwright	Emmer	Hern

Herrell	Mast	Scanlon
Herrera Beutler	McBath	Schakowsky
Higgins (LA)	McCarthy	Schiff
Higgins (NY)	McCaul	Schneider
Hill	McClain	Schrader
Himes	McClintock	Schrier
Hinson	McCollum	Schweikert
Hollingsworth	McEachin	Scott (VA)
Horsford	McGovern	Scott, Austin
Houlahan	McHenry	Scott, David
Hoyer	McKinley	Sewell
Hudson	McNerney	Sherman
Huffman	Meeks	Sherrill
Huizenga	Meijer	Simpson
Issa	Mfume	Sires
Jackson	Miller (IL)	Slotkin
Jackson Lee	Miller (WV)	Smith (MO)
Jacobs (CA)	Miller-Meeks	Smith (NE)
Jacobs (NY)	Moolenaar	Smith (NJ)
Jayapal	Mooney	Smith (WA)
Jeffries	Moore (AL)	Smucker
Johnson (GA)	Moore (UT)	Soto
Johnson (LA)	Moore (WI)	Spanberger
Johnson (OH)	Morelle	Spartz
Johnson (SD)	Moulton	Speier
Johnson (TX)	Mryan	Stanton
Jones	Mullin	Staubert
Jordan	Murphy (FL)	Steel
Joyce (OH)	Murphy (NC)	Stefanik
Joyce (PA)	Nadler	Steil
Kaptur	Napolitano	Steube
Katko	Neal	Stevens
Keating	Neguse	Stewart
Keller	Nehls	Stivers
Kelly (IL)	Newman	Strickland
Kelly (MS)	Norcross	Suozzi
Kelly (PA)	Nunes	Swalwell
Khanna	O'Halleran	Taylor
Kildee	Oberholte	Tenney
Kilmer	Ocasio-Cortez	Thompson (CA)
Kim (CA)	Kim (CA)	Thompson (MS)
Kim (NJ)	Owens	Thompson (PA)
Kind	Palazzo	Tiffany
Kinzinger	Pallone	Timmons
Kirkpatrick	Palmer	Titus
Krishnamoorthi	Panetta	Tlaib
Kuster	Pappas	Tonko
Kustoff	Pascarell	Torres (CA)
LaHood	Payne	Torres (NY)
LaMalfa	Pence	Trahan
Lamb	Perlmutter	Trone
Lamborn	Perry	Turner
Langevin	Peters	Underwood
Larsen (WA)	Pfleger	Upton
Larson (CT)	Phillips	Valadao
Latta	Pingree	Van Drew
LaTurner	Pocan	Van Duyne
Lawrence	Porter	Vargas
Lawson (FL)	Posey	Veasey
Lee (CA)	Pressley	Vela
Lee (NV)	Price (NC)	Velázquez
Leger Fernandez	Quigley	Wagner
Lesko	Raskin	Walberg
Letlow	Reed	Walorski
Levin (CA)	Reschenthaler	Waltz
Levin (MI)	Rice (NY)	Wasserman
Lieu	Rice (SC)	Schultz
Lofgren	Rodgers (WA)	Watson Coleman
Long	Rogers (AL)	Weber (TX)
Loudermilk	Rose	Webster (FL)
Lowenthal	Rosendale	Welch
Lucas	Ross	Wenstrup
Luetkemeyer	Rouzer	Westerman
Luria	Roybal-Allard	Wexton
Lynch	Ruiz	Wild
Mace	Ruppersberger	Williams (GA)
Malinowski	Rush	Williams (TX)
Malliotakis	Rutherford	Wilson (FL)
Maloney,	Ryan	Wilson (SC)
Carolyn B.	Salazar	Wittman
Maloney, Sean	Sánchez	Womack
Mann	Sarbanes	Yarmuth
Manning	Scalise	Zeldin

NAYS—13

Biggs	Good (VA)	Norman
Brooks	Gosar	Roy
Buck	Greene (GA)	Sessions
Gaetz	Hice (GA)	
Gohmert	Massie	

NOT VOTING—20

Armstrong	Curtis	Meuser
Bishop (NC)	Españat	Newhouse
Boebert	Golden	Rogers (KY)
Brady	Graves (LA)	Takano
Bush	Kahele	Waters
Cawthorn	Matsui	Young
Chu	Meng	

□ 1503

Mr. SESSIONS changed his vote from "yea" to "nay."

Mrs. MILLER of Illinois and Mr. McHENRY changed their vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ESPAILLAT. Madam Speaker, I was in a Zoom meeting with the Secretary of Transportation. Had I been present, I would have voted "yea" on rollcall No. 104.

Mr. GRAVES of Louisiana. Madam Speaker, the back up at the useless security screening onto the House floor was backed up preventing me from making the vote. Had I been present, I would have voted "yea" on rollcall No. 104.

Mr. NEWHOUSE. Madam Speaker, had I been present, I would have voted "yea" on rollcall No. 104.

Ms. BUSH. Madam Speaker, unfortunately, I missed today's vote on the Fraud and Scam Reduction Act, as amended.

Had I been present, I would have voted "yea" on rollcall No. 104.

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

Allred (Wexton)	Lieu (Beyer)	Rush
Babin (Fallon)	Lowenthal	(Underwood)
Cardenas	(Beyer)	Sewell (DelBene)
(Gonzalez, Vicente)	Mfume (Raskin)	Slotkin
Crenshaw	Moore (WI)	(Stevens)
(Fallon)	(Beyer)	Stefanik
Greene (GA)	Moulton	(Tenney)
(Gosar)	(Underwood)	Steube
Grijalva (Garcia (IL))	Napolitano	(Timmons)
Jayapal (Raskin)	(Correa)	Trahan (Lynch)
Johnson (TX)	Neal (Lynch)	Wasserman
(Jeffries)	Nehls (Fallon)	Schultz (Soto)
Keating (Clark (MA))	Norcross	Watson Coleman
Lawson (FL)	(Pallone)	(Pallone)
(Evans)	Omar (Pressley)	Wilson (FL)
	Payne (Pallone)	(Hayes)
	Porter (Wexton)	Wilson (SC)
		(Timmons)

NICHOLAS AND ZACHARY BURT MEMORIAL CARBON MONOXIDE POISONING PREVENTION ACT OF 2021

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 1460) to encourage States to require the installation of residential carbon monoxide detectors in homes, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 362, nays 49, not voting 13, as follows:

[Roll No. 105]

YEAS—362

Aguilar	Amodei	Auchincloss
Allred	Armstrong	Axne